

**Veterans Court Act**  
**November 20-21, 2015 Drafting Committee Meeting**  
**Chicago, IL**

**Issues for the Drafting Committee:**

This is meant to serve as an overview of the issues for consideration before the committee. These issues are addressed more fully in the memorandum sent to the committee.

**A. Eligibility Issues**

**1. Service Status**

- 1a. Should active duty members be included in the Veterans Treatment Court?
- 1b. Should the Veterans Treatment Court include members of the Reserve and National Guard as eligible defendants
  - 1c. Does the veteran have to be a veteran of combat?
  - 1d. Does the character of a veteran's discharge matter when considering inclusion in the Veterans Treatment Court?
  - 1e. Must the veteran be eligible for Veterans Benefits/Veterans Health Care from the Department of Veterans Affairs to participate in the Veterans Treatment Court?

**2. Disability**

- 2a. Must the veteran suffer from a substance abuse issue to participate in Veterans Treatment Court?
- 2b. Must the veteran suffer from a Mental Health issue to participate in Veterans Treatment Court?
- 2c. Must the veteran suffer from a Traumatic Brain Injury (TBI) to participate in Veterans Treatment Court?
- 2d. Are veterans who suffered a Military Sexual Trauma (MST) in service specifically mentioned as veterans who are invited to participate in Veterans Treatment Court?
- 2e. Does the veteran's disability have to have a previous diagnosis to participate in Veterans Treatment Court?
- 2f. Does the veteran's disability have to stem from his/her military service?

**3. Crime**

- 3a. Does the veteran's crime have to be caused by or related to the veteran's disability?
- 3b. Will the Veterans Treatment Court consider violent as well as non-violent crimes?
- 3c. Will the Veterans Treatment Court permit defendant's charged with domestic violence to participate?
- 3d. Will the Veterans Treatment Court permit defendant's charged with felonies to participate?
- 3e. Will the Veterans Treatment Court permit defendant's charged with a crime involving a weapon to participate?
- 3f. Will the Veterans Treatment Court specifically consider the wishes of the victim of the defendant's crime when determining placement in the Veterans Treatment Court?

**B. Procedural Issues**

1. What will be the disposition of charges/sentence after completion of the Veterans Treatment Court program?
2. Are there fees for a veteran to participate in the Veterans Treatment Court? 2
3. Does participation in the Veterans Treatment Court require the defendant to waive certain rights?
4. Will the Veterans Treatment Court program utilize mentors?
5. Will the Veterans Treatment Court authorize pre-adjudication participation?
6. Will the Veterans Treatment Court authorize post-adjudication participation?
7. What are the potential penalties for failure to successfully complete the Veterans Treatment Court program?
8. Does participation in the Veterans Treatment Court program require more stringent probation than is normally required?
9. Who refers the veteran to the Veterans Treatment Court process?
10. Whose approval is required for processing through the Veterans Treatment Court?
11. Is the defendant required to submit to substance abuse testing while participating in the Veterans Treatment Court?
12. Is the defendant required to submit to counseling requirements while participating in the Veterans Treatment Court?