

2021 SENATE JUDICIARY

SB 2246

2021 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee Peace Garden Room, State Capitol

SB 2246
1/25/2021

A BILL for an Act to amend and reenact subsection 1 of section 12.1-32-02 and sections 19-03.1-23 and 39-08-01.5 of the North Dakota Century Code, relating to drug court and the creation of a veterans treatment docket.

2:34 PM Chairwoman Larson calls the hearing to order. Present are Chair Larson, Vice Chair Dwyer, Senators Bakke, Fors, Heitkamp, Luick, and Myrdal.

Discussion Topics:

- Veterans treatment court
- Veteran Recovery

Senator Scott Meyer [2:34], introduces bill and submits testimony #2500.

Judge Don Hager [2:42], presiding judge in the ND Court System, testifies in favor and submits testimony #2709.

Jim Nelson [2:58], Director of the Veterans Legislative Council, AMVETS, testifies in favor and submits testimony #2414.

General Al Dohrmann [3:05], Adjunct General of the North Dakota National Guard, offers oral testimony in favor.

Travis Finck [3:08], Executive Director, North Dakota Counsel for Indigents testifies in favor and submits testimony #2493.

Senator Heitkamp [3:11] moves DO PASS.

Senator Bakke [3:11] seconds.

Senators	Vote
Senator Diane Larson	Y
Senator Michael Dwyer	Y
Senator JoNell A. Bakke	Y
Senator Robert O. Fors	Y
Senator Jason G. Heitkamp	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Motion passes 7-0-0. [3:12]

Senator Bakke will carry.

Additional Written Testimony:

Lonnie Wangen, NDDVA Commissioner in favor #2904.

Christopher Martens, Attorney, Office of the Adjutant General #3380.

3:13 PM Chairwoman Larson closes the meeting

Jamal Omar, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2246: Judiciary Committee (Sen. Larson, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2246 was placed on the Eleventh order on the calendar.



North Dakota Senate

State Capitol
600 East Boulevard Avenue
Bismarck, ND 58505-0360

Senator
Scott Meyer
District 18
1624 Seventh Avenue North
Grand Forks, ND 58203-3010
218-791-7655
scottmeyer@nd.gov

Committees:
Finance and Taxation
Government and Veterans
Affairs

#2500

January 25, 2021

Madam Chairman and members of the Senate Judiciary committee, North Dakota is always looking for ways to help address Veteran's issues. Last session, the legislature passed the state income tax exemption on military retirement benefits. Through the help of many in this room and online, this important issue, which had been introduced for decades, finally passed.

Madam Chair, SB 2246 is another important bill to assist our Veterans. SB 2246 is the creation of a Veterans Treatment Court (VTC) docket. Many times our Veterans struggle with issues like traumatic brain injury, military sexual trauma, substance abuse, and/or Post Traumatic Stress Disorder.

Rather than punishing our Veterans, Veterans Treatment Courts are designed to support and provide resources to our Veterans who have found themselves in the criminal justice system. The goal is to assist these men and women, who have done so much for our country, to keep them away from a life of homelessness, substance abuse, and lawlessness and get them back on their feet and contributing to society.

Already approved this fall by the Supreme Court, and spearheaded by an all Veteran team from the Northeast Central Judicial District, the Veteran's Treatment Court is meant to eventually assist communities, both urban and rural, across the state. The past six plus months Judge Don Hager, of the Northeast Central Judicial District, chaired a workgroup that consisted of Veteran Service Officers, the GFAFB JAG office, State's Attorneys, legislators, and Judges from other states that have VTC already implemented. After many meetings, the workgroup created the bill language you have in front of you today.

How we got here: House Resolution 886 – The Veterans Treatment Court Coordination Act - was signed into law by President Trump this August, which directed the DOJ to establish a VTC to provide grants and assistance to state and local governments, to develop and maintain Veterans Treatment Court programs, and to provide assistance to defendants who are military Veterans. Once that passed federally, the NE Central Judicial District applied to the ND

Supreme Court to be considered for establishing a Veteran's Treatment Court, which was approved this past fall. In a letter of interest from the NE Central Judicial District to the ND Supreme Court, Ten Key Components of a Veteran's Treatment Court were included in their initiative. Those components are:

1. Veterans Treatment Court (VTC) integrate alcohol, drug treatment and mental health services with justice system case processing
2. Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights
3. Eligible participants are identified early and promptly placed in the VTC program
4. VTC provides access to a continuum of alcohol, drug, mental health and other related treatment and rehabilitative services
5. Abstinence is monitored by frequent alcohol and other drug testing
6. A coordinated strategy governs VTC responses to participant's compliance
7. Ongoing judicial interaction with each Veteran is essential
8. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness
9. Continuing interdisciplinary education promotes effective VTC planning, implementation, and operations
10. Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhance drug court effectiveness

Many times our Veterans, who have found themselves in trouble with the law, have a hard time seeking help. Sometimes it their pride, but many times they are ashamed of what they've done. The Veterans Treatment Court is here to provide structure, which they may be lacking, and it's meant to hold them accountable.

Madam Chair, North Dakota offers many benefits to our Veterans, whether it's income tax exemption on military benefits, tuition grant waivers, and property tax deduction for honorable charged Veterans with at least 50%

disability...just to name a few. It's time for us as a state to take a big step forward to address behavioral health issues of our Veterans.

As Lonnie Wangen, Commissioner of the ND Department of Veterans Affairs, stated in one of our workgroup meetings; "We broke them, it's up to us to fix them"

I couldn't agree more.

I ask for a Do Pass recommendation, and I will stand for any questions.

SB 2246

Senate Judiciary Committee

January 25, 2021

Testimony of Donald Hager, Presiding Judge, Northeast Central Judicial District

Good afternoon, Chairman Larson and members of the Senate Judiciary Committee. My name is Don Hager. I am the Presiding Judge of the Northeast Central Judicial District, comprising Grand Forks and Nelson counties. I am here today to provide testimony on behalf of Senate Bill No. 2246 and as Chair of the Veterans Treatment Court Committee for my District.

The first Veterans Treatment Court was created in January 2008 by municipal court Judge Robert Russell in Buffalo, New York. Since then, over 400 such treatment courts have been established ---- and located in every state EXCEPT North Dakota. This is despite 12.4% of our adult population, or about 46,507 persons, are military veterans. There are 5,010 veterans in the Northeast Central Judicial District.

Judges have a front row seat in observing the traumatic, and often hidden, consequences of military service, whether it relates to criminal charges, domestic disputes, or other court-related matters. Those consequences often lead also to homelessness, unemployment, and other personal struggles. I am here today, as a judge, as a proud North Dakota veteran, to ask you to finally consider the establishment of a Veterans Treatment Court docket so that we can begin to offer real help to those who have served this nation, but subsequently return with traumatic brain injury, sexual trauma, substance abuse, and/or post-traumatic stress disorder. These are all conditions which can, and do, deny a productive and lawful re-entry into the civilian sector which they took an oath to protect.

Veterans Treatment Courts go beyond the adult drug courts we now have in North Dakota, and they need to do so because their participants do not have the same common problems as veterans, nor can the traditional drug court provide those resources. Veterans Treatment Courts provide peer support, as well as a connection for often-entitled services, especially the mental health services and those of the Veterans Administration and the tremendous veteran service officers throughout the State. Almost everyone involved with our proposed Veterans Treatment Court are veterans----they fully understand the complicated mindset and consequences of military service. The Court follows military-style structure, procedure and rules, something that allowed veterans to perform under the most extreme conditions while in service to this country. Its goal is simple----no man or woman is left behind, the very creed by which they served. It is that team approach, accountability and support that makes this special court successful.

Senate Bill No. 2246 is the culmination of about eighteen months of preparation and meetings with stakeholders in the justice community, veterans and other citizens, as well as extensive research and analysis of some of the 400-plus veteran treatment courts across the nation. It included input from veteran treatment court judges and the National Association of Drug Court Professionals ---Justice for Veterans staff. We went through several drafts of the proposed legislation with them, as well as with prosecutors, public defenders, the Department of Corrections and Rehabilitation, our North Dakota Department of Veterans Affairs, the many Veterans Service Officers, the Northeast Department of Human Services, other state agencies, the North Dakota Court System staff, and we also included legislators around the State. This proposed legislation is the product of multiple sources of legislation, including States from one coast to the other, as well as national model legislation of which Supreme Court Justice Tufte is a member of the commission.

We had five initial tasks to bring this about: 1) track and validate the statistical need for the treatment court docket in our District, including the overall veteran population for North Dakota; 2) petition the North Dakota Supreme Court under Administrative Rule 60 to create the specialized docket; 3) develop a plan for training and the development of policy and procedures manuals; 4) develop a working budget and submit it to the Supreme Court; and 5) develop draft legislation to submit which is before you today. We have completed all of those initial steps, including the consent of the North Dakota Supreme Court to proceed with the creation of a specialized docket for veterans. Additionally, we are scheduled for training with Justice for Vets in September of 2021 -- if legislation is passed to allow the creation of the specialized docket.

Senate Bill No. 2246 is a simplified approach to create not a separate court, but a docket, that allows the trial court to have a sentencing alternative to meet the uncommon needs of our military veterans. It is an amendment to Section 12.1-32-02 which continues the adult drug court legislation, but includes the veterans treatment court docket as an option. The qualifications for participation and rules of procedure, as well as proof of its effectiveness, will be developed and presented to the North Dakota Supreme Court for approval.

We have analyzed our operations and needs for this specialized docket, and have gauged the community interest. It has been overwhelming, and heartening, to see how the veteran and current military community have not only embraced it, but pleaded for us to put our greatest effort in bringing this to a reality, not just for Grand Forks and Nelson County, but to also reach into our rural areas where many of our veterans isolate and would not have the benefit of this court. Rapid employment of those means, some electronically, is one of the few silver linings in this COVID-19 pandemic. The need for this court is here, maybe even more so than in all of the other states.

We may be the last one to do so, but as such, we are the beneficiary of modeling the best it can be for North Dakota and our veterans.

Senate Bill No. 2246 simply adds the Veterans Treatment Court as an alternative to subsection 1 of Section 12.1-32-02. Chair Larson and members of the Senate Judiciary Committee, I ask on behalf of our district committee and all veterans, for a DO PASS recommendation.

SB 2246

The North Dakota Veterans Legislative Council support is legislation.

Major General Clyde Tate head of the National Association of Drug Court Professionals often uses the phrase and I quote “secret sauce when discussing veteran treatment courts. What is this secret sauce he refers to? It refers to the volunteer veteran mentors that play an important if not key role within the veteran treatment court structure. Their importance to the successes of treatment courts is their ability to understand veterans.

The veteran when they arrived at boot camp, he or she was instantly introduced to a very structured culture totally unlike civilian culture. Major culture shock sets in! Boot camp prepares them for life in the military. Most veterans are strengthened by their service, but many of those that experienced combat service are unfortunately suffering with host of mental health issues ranging from issues to PTSD TBI substances abuse, among others. Often-times landing the veteran in the criminal justice system.

These veteran mentors understand all that. There is something about veterans when they communicate with each other. It is the telling of stories and sharing like experiences. The mentors understand this.

I am sure everyone in this room has at one time or another told someone “I understand what you’re going through”, or “that’s too bad”. The civilian has no clue as to what a veteran is experiencing and to bad is like telling them Man Up like we heard coming home for Vietnam. Veterans have a warrior mentality, believing that asking for help is a sign of weakness.

In the military were are taught to have each-others back. Part of the teaching was having “battle Buddies.” A battel buddy is a partner that is assigned to a soldier. The battle buddy is expected to assist his or her partner both in and out of combat. Besides providing company a battle buddy can save their partner’s life by noticing negative thoughts and feelings and intervene to provide help.

The volunteer veteran mentor within the veteran treatment court assumes the same role.

The veteran treatment court requires regular court appearances along with mandatory attendance at all treatment sessions along with random drug and alcohol testing if applicable. Veterans respond favorably to this structure because if we know anything its structure. Without this structure the veteran is likely to reoffend and remain in the criminal system. The court ensures that the veteran meets their obligations to themselves, the court, and their community.

Clay County District Court Judge Michelle Lawson in a story in the Forum in November 2016 said and I quote “Veterans often have a harder time coming to terms with breaking the law. “there’s more shame involved. She goes on to say that the rate of recidivism without the program is 50 to 60 percent while with the program it’s 15 to 25 percent.

The North Dakota Legislative Council strongly supports this legislation and urges a yes vote. The results will far outweigh the costs.

Thank you

SB 2246
Senate Judiciary Committee
January 25, 2021
Testimony of Travis W. Finck, Executive Director, NDCLCI

Madam Chair Larson, members of the Senate Judiciary Committee, my name is Travis Finck and I am the executive director for the North Dakota Commission on Legal Counsel for Indigents. The Commission is the state agency responsible for the delivery of indigent defense services in North Dakota. I rise today on behalf of the Commission to provide testimony in support of SB 2246.

The Commission supports the establishment of evidence based alternative courts as pathways for recovery. The establishment of a veteran's court docket serves as a model to serve and protect those who have served and protected. Furthermore, evidence suggests the use of veteran's court has had success in diverting individuals from prison and back to productive members of society.

Madam Chair, on behalf of the Commission on Legal Counsel for Indigents, we urge a do pass recommendation.

Respectfully Submitted:

A handwritten signature in dark ink, appearing to read 'Travis W. Finck', with a stylized flourish at the end.

Travis W. Finck
Executive Director, NDCLCI

Senate Judiciary Committee
67th Legislative Session
Senator Diane Larson-Chair

Chairman Larson and Senate Judiciary Committee,

Please accept this testimony in support of SB 2246. I have served as the chair of the ND Veterans Court Exploratory Committee (VCEC) since 2010. Part of the purpose of the committee is to coordinate and collaborate resources and services available for ND Veterans who are "Justice Involved". Obtain data on ND Justice involved veterans. Determine necessity and actions needed to establish a specialty court for veterans in North Dakota. The VCEC has been involved in the meetings leading up to the creation of SB 2246 and fully support the bill as written. The VCEC members include members of...

- ND Department of Veterans Affairs
- Veteran Service Organizations
- Federal VA
- ND Department of Corrections Parole and Probation
- ND Legal Assist
- Human Services ND
- Veteran Service Officers
- District Court Judge
- Specialty Court Attorneys
- supports SB 2246.

Currently 41 states have an established Veterans Court. North Dakota is one of only 9 states which does not currently have an established physical Veterans court. SB 2246 utilizes many of the current programs and while it does not establish a Veterans "Court" but rather a "Veterans Docket" we believe it will be very cost affective. The states without a Veterans treatment court or Docket are...

- Iowa
- Maryland
- Massachusetts
- New Mexico
- Nebraska
- North Dakota
- Vermont
- West Virginia
- Wyoming

Source: National Center of State Courts: <https://www.ncsc.org/topics/alternative-dockets/problem-solving-courts/veterans-court/state-links>

The Veterans Treatment Docket is not a “Get out of jail free card”. It is a win-win-win-win for all those involved.

- The Veteran gets the treatment needed.
- The prosecutor gets a conviction.
- The defense attorney gets the best outcome for their client (veteran).
- The community saves funds and hopefully gets a positive contributing member integrated back into their society.

North Dakota has two air bases and very successful National guard and reserve forces. A big part of what is considered on the Federal level when assigning these forces to the states is how the states support its military, dependents and veterans. This is one of many ways we can show that North Dakota appreciates and supports these Federally funded military services being located here.

I have worked extensively with many of North Dakota’s “Justice Involved” veterans over the last decade and I have found that having the option of utilizing the services available at the Federal VA as an option has been very successful in the past. Veterans courts in other states have proven their effectiveness and cost efficiency. It is time ND adds their name to the list of states that supports our veterans in legal affairs.

Please feel free to reach out to me with any questions or concerns.

Thank you for your consideration.

Lonnie Wangen

NDDVA, Commissioner

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Senate Judiciary Committee
January 25, 2021
Mr. Chris Martens
Office of the Adjutant General
SB 2246

Madam Chairman, members of the Committee, my name is Christopher Martens. I am an attorney with the Office of the Adjutant General. I am submitting testimony in support of SB 2246.

This hearing comes at an opportune time. The North Dakota National Guard recently concluded a forty-five day campaign that focused on the behavioral health and mental resilience of our Soldiers and Airmen. We designed our "Because We Care" Campaign to educate our service members about the warning signs of compromised behavioral health, and to promote the many resources we have that can help reduce the risk associated with this compromise. Over the course of the campaign, our service members heard from leaders and subject matters experts who shared best practices, tips, and guidelines to help our National Guard family maneuver the struggles of mental wellness and to heal from invisible wounds. Although the campaign only lasted forty-five days, the message is enduring.

Ensuring the behavioral wellness and mental resilience of our service members is not just about maintaining mission readiness. It is about caring for our Soldiers, Airmen, and their families. Because we care, we cannot just focus on programs designed to support our current men and women in uniform. We must also advocate for programs that will aid our veterans, particularly when they are at their lowest.

According to the 2020 North Dakota Veterans Data book, North Dakota is home to approximately 53,608 veterans. Of that number, 5,374 are reported as having some form of mental health disorder, with 5,074 having co-disorders involving mental health and substance abuse disorders. Often times service members deny issues related to post traumatic stress disorder due to a perception that they will appear weak or not combat ready. When that member returns to civilian life, they continue to hide their problems. Without assistance, many of these service members begin to self-medicate with alcohol or drugs.

In 2010, a North Dakota Iraqi war Veteran took law enforcement on a high speed chase down Highway 85 with a truck full of weapons. He wanted to die and he asked officers to shoot him. Through the combined efforts of the Court, State's Attorney, defense council, VA, and others, this Veteran went to treatment instead of prison. But with out such dedication from the parties involved, this man would have gone through the criminal justice system without the root cause of his problems being addressed, and he very well could have repeated this type of incident. This new docket ensures a system that works to identify these root causes, and that help avoid the unnecessary criminalization of mental health disorders.

The veteran's treatment docket will provide veterans with the opportunity to undergo licensed treatment programs targeted towards mental and behavioral health conditions, traumatic brain injury, and military sexual trauma, all while under the supervision of our judiciary. Under this program, veterans can take accountability for their actions, while simultaneously receiving the treatment and support they need. After successful completion, these veterans will still have to pay their debt to society, but they will be on a path to being productive citizens who can once again take pride in the honorable service they provided to their country.

I urge this committee to continue the Legislature's support for our North Dakota veterans by voting do pass for SB 2246. Thank you for considering this testimony. Please contact me if I can be of any assistance in this matter.

2021 HOUSE JUDICIARY

SB 2246

2021 HOUSE STANDING COMMITTEE MINUTES

Judiciary

Room JW327B, State Capitol

SB 2246

3/17/2021

Relating to drug court and the creation of a veteran's treatment docket.
--

Chairman Klemin called the hearing at 9:30 AM.

Present: Representatives Klemin, Karls, Becker, Buffalo, Christensen, Cory, K Hanson, Jones, Magrum, Paulson, Paur, Roers Jones, Satrom, and Vetter.

Discussion Topics:

- Veteran's treatment court
- Behavioral health
- PTSD

Senator Meyer: Introduced the bill. Testimony #9773

BJ Jackie Huber, ND National Guard: Testimony #9679 9:35

Chris Martins, OTAG: Answered questions 9:52

Jim Nelson, ND Legislative Counsel, Director and President: Testimony #9465 9:45

Scott Johnson, Trial Court Administrator – District Judge NE Central District: (For Judge Hager) Testimony # 9118 10:04

Todd Ewell, NDCLCT: Verbally testified in support 10:20

Jay Sheldon, Policy Advisory for the Adjutant General: Oral Testimony

Chairman Klemin closed the hearing at 10:30.

Additional written testimony: #9656

Stopped 10:28

DeLores D. Shimek
Committee Clerk

March 17, 2021



North Dakota Senate

State Capitol
600 East Boulevard Avenue
Bismarck, ND 58505-0360

Senator
Scott Meyer
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1624 Seventh Avenue North
Grand Forks, ND 58203-3010
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Committees:
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Supreme Court to be considered for establishing a Veteran's Treatment Court, which was approved this past fall. In a letter of interest from the NE Central Judicial District to the ND Supreme Court, Ten Key Components of a Veteran's Treatment Court were included in their initiative. Those components are:

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I ask for a Do Pass recommendation, and I will stand for any questions.

TESTIMONY OF
BG JACKIE HUBER
NORTH DAKOTA NATIONAL GUARD
BEFORE THE
HOUSE JUDICIARY COMMITTEE
17 MARCH 2021
SENATE BILL 2246

Chairman Klemin, members of the Committee, my name is Jackie Huber. I am the Deputy Adjutant General of the North Dakota National Guard. I ask for your support of Senate Bill 2246.

This hearing comes at an opportune time. The North Dakota National Guard recently concluded a forty-five day campaign that focused on the behavioral health and mental resilience of our Soldiers and Airmen. We designed our "Because We Care" Campaign to educate our service members about the warning signs of compromised behavioral health, and to promote the many resources we have that can help reduce the risk associated with this compromise. Over the course of the campaign, our service members heard from leaders and subject matters experts who shared best practices, tips, and guidelines to help our National Guard family maneuver the struggles of mental wellness and to heal from invisible wounds. Although the campaign only lasted forty-five days, the message is enduring.

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I urge this committee to continue the Legislature's support for our North Dakota veterans by voting do pass for SB 2246. Thank you for considering this testimony and I stand for questions.

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The North Dakota Legislative Council strongly supports this legislation and urges a yes vote. The results will far outweigh the costs.

Thank you

SB 2246

House Judiciary Committee

March 17, 2021

Testimony of Donald Hager, Presiding Judge, Northeast Central Judicial District

Good afternoon, Chairman Klemin and members of the House Judiciary Committee. My name is Don Hager. I am the Presiding Judge of the Northeast Central Judicial District, comprising Grand Forks and Nelson counties. I am here today to provide testimony on behalf of Senate Bill No. 2246 and as Chair of the Veterans Treatment Court Committee for my District.

The first Veterans Treatment Court was created in January 2008 by municipal court Judge Robert Russell in Buffalo, New York. Since then, over 400 such treatment courts have been established ---- and located in every state EXCEPT North Dakota and two others, of which one has a skeleton court in place. This is despite 12.4% of our adult population, or about 46,507 persons, are military veterans. There are 5,010 veterans in the Northeast Central Judicial District.

Judges have a front row seat in observing the traumatic, and often hidden, consequences of military service, whether it relates to criminal charges, domestic disputes, or other court-related matters. Those consequences often lead also to homelessness, unemployment, and other personal struggles. I am here today, as a judge, as a proud North Dakota veteran and patriot, to ask you to finally consider the establishment of a Veterans Treatment Court docket so that we can begin to offer real help to those who have served this nation, but subsequently return with traumatic brain injury, sexual trauma, substance abuse, and/or post-traumatic stress disorder. These are all conditions which can, and do, deny a productive and lawful re-entry into the civilian sector which they took an oath to protect.

Veterans Treatment Courts go beyond the adult drug courts we now have in North Dakota, and they need to do so because their participants do not have the same common problems as veterans, nor can the traditional drug court provide those resources. Veterans Treatment Courts provide peer support, as well as a connection for often-entitled services, especially the mental health services and those of the Veterans Administration and the tremendous veteran service officers throughout the State. Almost everyone involved with our proposed Veterans Treatment Court are veterans---they fully understand the complicated mindset and consequences of military service. The Court follows military-style structure, procedure and rules, something that allowed veterans to perform under the most extreme conditions while in service to this country. Its goal is simple----no man or woman is left behind, the very creed by which they served. It is that team approach, accountability and support that makes this special court successful.

Senate Bill No. 2246 is the culmination of about eighteen months of preparation and meetings with stakeholders in the justice community, veterans and other citizens, as well as extensive research and analysis of some of the 400-plus veteran treatment courts across the nation. It included input from veteran treatment court judges and the National Association of Drug Court Professionals ---Justice for Veterans staff. We went through several drafts of the proposed legislation with them, as well as with prosecutors, public defenders, the Department of Corrections and Rehabilitation, our North Dakota Department of Veterans Affairs, the many Veterans Service Officers, the Northeast Department of Human Services, other state agencies, the North Dakota Court System staff, and we also included legislators around the State. This proposed legislation is the product of multiple sources of legislation, including States from one coast to the other, as well as national model legislation of which Supreme Court Tufte is a member of the commission.

We had five initial tasks to bring this about: 1) track and validate the statistical need for the treatment court docket in our District, including the overall veteran population for North Dakota; 2) petition the North Dakota Supreme Court under Administrative Rule 60 to create the specialized docket; 3) develop a plan for training and the development of policy and procedures manuals; 4) develop a working budget and submit it to the Supreme Court; and 5) develop draft legislation to submit which is before you today. We have completed all of those initial steps, including the consent of the North Dakota Supreme Court to proceed with the creation of a specialized docket for veterans. Additionally, we are scheduled for training with Justice for Vets in September of 2021 -- if legislation is passed to allow the creation of the specialized docket.

Senate Bill No. 2246 is a simplified approach to create not a separate court, but a docket, that allows the trial court to have a sentencing alternative to meet the uncommon needs of our military veterans. It is an amendment to Section 12.1-32-02 which continues the adult drug court legislation, but includes the veterans treatment court docket as an option. The qualifications for participation and rules of procedure, as well as proof of its effectiveness, will be developed and presented to the North Dakota Supreme Court for approval.

We have analyzed our operations and needs for this specialized docket, and have gauged the community interest. It has been overwhelming, and heartening, to see how the veteran and current military community have not only embraced it, but pleaded for us to put our greatest effort in bringing this to a reality, not just for Grand Forks and Nelson County, but to also reach into our rural areas where many of our veterans isolate and would not have the benefit of this court. Rapid employment of those means, some electronically, is one of the few silver linings in this COVID19 pandemic. The need for this court is here, maybe even more so than in all of the other states.

We may be the last one to do so, but as such, we are the beneficiary of modeling the best it can be for North Dakota and our veterans.

Senate Bill No. 2246 simply adds the Veterans Treatment Court as an alternative to subsection 1 of Section 12.1-32-02. Chair Klemin and members of the House Judiciary Committee, I ask on behalf of our district committee and all veterans, for a DO PASS recommendation.

#9656

SB 2246
House Judiciary Committee
March 17, 2021
Testimony of Travis W. Finck, Executive Director, NDCLCI

Chairman Klemin, members of the House Judiciary Committee, my name is Travis Finck and I am the executive director for the North Dakota Commission on Legal Counsel for Indigents. The Commission is the state agency responsible for the delivery of indigent defense services in North Dakota. I rise today on behalf of the Commission to provide testimony in support of SB 2246.

The Commission supports the establishment of evidence based alternative courts as pathways for recovery. The establishment of a veteran's court docket serves as a model to serve and protect those who have served and protected. Furthermore, evidence suggests the use of veteran's court has had success in diverting individuals from prison and back to productive members of society.

Mr. Chairman, members of the Committee, on behalf of the Commission on Legal Counsel for Indigents, we urge a do pass recommendation.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read 'Travis W. Finck', with a large, sweeping flourish extending to the left.

Travis W. Finck
Executive Director, NDCLCI

2021 HOUSE STANDING COMMITTEE MINUTES

Judiciary
Room JW327B, State Capitol

SB 2246
3/17/2021

Relating to drug court and the creation of a veteran's treatment docket.
--

Chairman Klemin called the meeting at 2:45 PM.

Present: Representatives Klemin, Karls, Becker, Buffalo, Cory, K Hanson, Jones, Magrum, Paulson, Paur, Roers Jones, Satrom, and Vetter. Absent: Christensen

Discussion Topics:

- Description of the drug court program
- State and federal coordination

Rep. Satrom: Do Pass Motion

Rep. Roers Jones: Seconded

Roll call vote:

Representatives	Vote:
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Rick Becker	Y
Representative Ruth Buffalo	Y
Representative Cole Christensen	A
Representative Claire Cory	Y
Representative Karla Rose Hanson	Y
Representative Terry B. Jones	Y
Representative Jeffery J. Magrum	Y
Representative Bob Paulson	Y
Representative Gary Paur	Y
Representative Shannon Roers Jones	Y
Representative Bernie Satrom	Y
Representative Steve Vetter	Y

13-0-1 Carrier: Rep. Magrum

Stopped 2:59.

DeLores D. Shimek
Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2246: Judiciary Committee (Rep. Klemin, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2246 was placed on the Fourteenth order on the calendar.