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## **S.F. No. 14 - Providing Guidance to Courts on Sentencing Veterans with a Service-Related Disorder for Criminal Offenses (Third Special Session)**

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**S.F. No. 14** amends the criminal code to provide an alternative sentencing option to courts when sentencing veterans with service-related disorders for certain criminal offenses.

**Section 1 (609.1056, subdivision 1), paragraph (a)** requires the court to, prior to entering a plea of guilty for a person charged with certain criminal offenses who alleges that the offense was committed as a result of a service-related disorder, make a determination as to whether the defendant is a member of the United States Military and whether the defendant may be suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health conditions as a result of the person's service.

**Paragraph (b)** requires a defendant who requests to be sentenced under this section to release or authorize access to military service reports and records relating to the alleged conditions stemming from service, and specifies how the records will be used in the court proceedings. Based on the record, the court shall make a finding on whether the defendant suffers from a diagnosable condition and whether the condition stems from service in the United States Military.

**Paragraph (c)** provides that if a defendant under this subdivision pleads guilty, the court shall defer further proceedings, without entering a judgment of guilty with the consent of the defendant, and place the defendant on probation. If the veteran previously received a stay of adjudication for a felony under this section, the court is given discretion to impose a sentence consistent with this section or deny the use of this section.

**Paragraph (d)** provides that if probation is violated, the court may enter an adjudication of guilt.

**Paragraph (e)** allows the court to order the defendant to attend a treatment program for a period not to exceed the time that the defendant would have served in a correctional facility or jail.

**Paragraph (f)** provides that the defendant may be awarded sentence credits for the time spent in residential treatment.

**Paragraph (g)** provides guidance to the court in choosing a treatment program.

**Paragraph (h)** requires the court and treatment program, when available, to collaborate with Minnesota Department of Veterans Affairs and the United States Department of Veterans Affairs to maximize benefits and services.

**Paragraph (i)** allows the defendant to be supervised by a veterans treatment court program, if one is available, or the supervision may be transferred to the county in which the defendant resides or works. Specifies jurisdiction of a veteran who successfully or unsuccessfully completes treatment.

**Paragraph (j)** provides that sentencing under this section results in the defendant waiving the right to subsequent administrative and judicial reviews.

**Subdivision 2, paragraph (a)** states that it is in the interests of justice to restore a defendant who acquired a criminal record due to a mental health condition stemming from service in the military to the community of law abiding citizens. This paragraph provides that restorative justice under this section applies if the court finds at a public hearing that the defendant satisfies the criteria in this paragraph.

**Paragraph (b)** allows the court to consider the factors under this paragraph when determining whether to grant restorative justice under this subdivision.

**Paragraph (c)** requires the court to discharge the person and dismiss the proceedings if certain requirements are met, without an adjudication of guilt. Specifies the retention and treatment of the not public record following the proceedings.

**Paragraph (d)** allows the court in certain circumstances to use the factors in paragraph (a) to justify a dispositional departure. If the court finds that the defendant meets the factors in paragraph (a), it is presumed that the defendant is amenable to probation.

**Paragraph (e)** prohibits dismissal of a case that requires the defendant to register a predatory offender.

**Subdivision 3** allows a veterans treatment court to supervise probation using the county veterans service officers, Department of Veterans Affairs veterans justice outreach specialist, probation agents, and other rehabilitation resources. Defines the term “veterans treatment court program.”

**Subdivision 4** authorizes a county or city to establish and operate a veterans pretrial diversion program for persons under subdivision 1.

This bill is effective April 1, 2021.