

Washington State Bar Association
Criminal Law Section – Executive Committee

November 21, 2011

Representative Troy Kelley
PO Box 40600
Olympia, WA 98504-0600

RE: Veterans Court

Dear Representative Kelley:

The Criminal Law Section of the Washington State Bar Association was contacted regarding possible legislation relating court procedures for Veterans in the criminal justice system. We understand you will be taking this issue under advisement and have looked to Oregon Senate Bill 999 for guidance. The Executive Committee of the Criminal Law Section reviewed Senate Bill 999 and discussed at our last Executive Board meeting.

The Criminal Law Section of the WSBA does support the concept and implementation of therapeutic Veteran's Courts in the State. In order to take this position, the Section Executive Committee is required to have a two thirds vote of its equally divided Board membership between prosecutors and defense counsel. The vote to support the formation of Veterans Treatment Courts was unanimous by all prosecutors and all defense counsel members of the Executive Committee. This opinion is an expression of the position of the Criminal Law Section of the Washington State Bar Association and does not represent a formal position for the State Bar Association itself.

We are concerned however with Washington State adopting legislation similar to the Oregon Bill. The Oregon Bill is very limiting in the form that Veteran's Courts may take, and the charges that may be allowed in to the program.

Counties and Municipalities within the State vary dramatically based on what services are available, what other diversion and specialty courts are available, and how cases are prosecuted and resolved. The Oregon Bill requires a diversion program, rather than other pre and post adjudication options that are used throughout the State in existing specialty courts. The Oregon Bill also is limiting in the types of charges that can be considered. Specifically, no domestic violence charges can be considered, despite a given client's lack of criminal history, facts specific to the case, the support of the victim, and amenability to treatment.

The Criminal Law Section would like to see legislation that provides more flexibility to Counties and Municipalities in crafting Veteran's Courts that fit their jurisdiction, population, and available services. RCWs 2.28.170 and 2.28.180, which enable drug courts and mental health

courts within the State, provide a good example of setting minimal guidelines, while still allowing for County and Municipality specific flexibility.

We applaud your efforts in this area.

Sincerely,

Jennifer Grant
Chair, Criminal Law