New law allows courts to create veterans divisions

NICK DUKE / nick.duke@bayonetandsaber.com

Three pieces of Georgia legislation affecting Soldiers go into effect July 1, with the most notable of the three creating specialized veterans court divisions.

Senate Bill 320 allows courts with jurisdiction over criminal cases to create veterans divisions, which could allow for unique handling of criminal cases involving veterans.

The law does not require each court to create a veterans division, but those that do will be required to establish a planning group to develop a written work plan. The planning groups will include judges, prosecutors, sheriffs or their representatives, public defenders, probation officers and individuals with expertise in veterans services.

Each veterans court will develop written criteria that will define successful completion of the veterans court program, and if the program is completed prior to judgment, the case against the veterans may be dismissed by prosecutors. Those who complete the program after sentencing may have their sentence reduced or modified.

The bill was signed into law April 15 at the National Infantry Museum by Governor Nathan Deal and Senator Ed Harbison, D-Columbus.

"This piece of legislation reconfirms our commitment to our veterans and is a clear indication that we are willing and ready to do whatever it takes to support our hero's abroad and at home," Harbison said. "Veterans face many unique challenges and this bill goes a long way in ensuring they have every opportunity for success throughout their transition to civilian life."

Veteran defendants charged with murder, armed robbery, rape, aggravated sodomy, aggravated sexual battery, aggravated child molestation or child molestation will not be eligible for entry into veterans court divisions, except in cases where a veteran has entered a court-supervised reentry program designed to monitor veterans returning to the community after a period of imprisonment.

The Judicial Council of Georgia will adopt standards and practices for veterans court divisions. Those standards and procedures will be based on available research and published findings by experts on veterans' health needs and treatment options. The council will periodically update its standards and practices to incorporate new research, findings and developments related to veterans courts.

Senate Bill 391 was also signed into law at the NIM April 15, and requires all medical facilities in the state of Georgia to make good faith efforts to be certified by the southern regional Tricare network no later than July 1, 2015.

Facilities that fail to qualify for Tricare certification will be required to implement plans to correct any issues that caused the Tricare rejection within one year, and all facilities will be required to submit reports to the state detailing
their efforts to obtain Tricare certification.

While the bill requires facilities to seek Tricare certification, it does not require facilities to enter into contracts to participate as a Tricare network provider or non-network provider.

House Bill 740, the final bill signed at the NIM, calls for any full-time, active-duty military personnel to be considered residents of Georgia when applying for noncommercial hunting and fishing licenses, regardless of the person's home state or where they are stationed.

GEORGIA GENERAL ASSEMBLY’S STATEMENT ON SENATE BILL 320

The General Assembly recognizes that veterans have provided and continue to provide an invaluable service to our country and this state. In connection with a veteran's service, some servicemen and servicewomen have incurred physical, emotional, or mental impairments which cause or contribute to behaviors that may draw a veteran into the criminal justice system.

The General Assembly has determined that having dedicated veterans court divisions is important to address the specialized treatment needs of veterans and that there are resources, services, and treatment options that are unique to veterans that may best facilitate a veteran's reentry into society.