



The Judiciary, State of Hawaii

Testimony to the House Committee on Public Safety & Military Affairs

Representative Henry J.C. Aquino, Chair

Representative Ty Cullen, Vice Chair

House Committee on Health

Representative Ryan I. Yamane, Chair

Representative Dee Morikawa, Vice Chair

Thursday, February 2, 2012, 11:15 a.m.

State Capitol, Conference Room 309

by

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Chief Court Administrator

First Circuit

Bill No. and Title: House Bill No. 2798, Relating to a Veterans Treatment Court

Purpose: Establishes a temporary Hawaii veterans treatment court within the Judiciary. Appropriates funds. Repealed on 6/30/21.

Judiciary's Position:

The Judiciary is in support of House Bill No. 2798 establishing a temporary veterans court in the First Circuit.

The Judiciary thanks the legislature for allowing us time over the past year to work on this issue and research national trends in veterans courts. Based on that work, we have the following suggestions to offer for your consideration:

- Section 2 (b) 1 -- amend to read: "The veteran is arrested for or charged with a felony or misdemeanor offense." This language would allow for case-by-case consideration of charges similar to the Mental Health Court. This language allows the flexibility to look at certain charges in light of the mental state of the veteran and make a more appropriate determination of eligibility.



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- Section 2(b) 2 -- amend to read: “service” rather than “combat related.” This would allow for the admittance of veterans whose illness is service related while screening out those that had conditions prior to their military service.
- Section 2(b) 3 -- amend to note that the final determination on admittance to the veterans court for a veteran already on probation with the court would rest with the judge.
- Section 2 -- add a new section (c) outlining victim’s rights in these cases including the right to attend, provide testimony when and if appropriate and receive restitution as applicable by order of the court.
- Section 5 (5) -- remove the requirement for “Honorable Discharge” to allow flexibility in admittance. The Veterans Administration serves veterans with other than honorable discharges. Of the over 80 courts in existence, only one limits admittance by discharge and the National Association of Drug Court Programs recommends against specifying discharge status in legislation.

The Judiciary looks forward to working with the Legislature to establish a veterans’ court to serve our veterans who have given so much to their country. Thank you for the opportunity to testify in support of this bill.