

## **SUPPORT HF998(ECKLUND)/SF1153(CHAMBERLAIN): THE VETERAN’S RESTORATIVE JUSTICE ACT (VRJA)**

### **What does VRJA do?**

- Provides access to a specialized sentencing structure for eligible veterans who have committed Level 7, D7 or lower criminal offenses as a result of a service-related condition. Instead of going to jail or prison, a non-adversarial approach is taken, the veteran gets a chance to heal from service-related trauma that contributed to the offense, and is returned to the community of law-abiding citizens – an asset rather than a liability.
- Provides uniformity to Minnesota’s existing veterans treatment courts, each of which currently uses different models.
- Creates access in all Minnesota counties to the same sentencing structure as a veterans treatment court. Currently, only 26 of Minnesota’s 87 counties have a veterans treatment court.
- The judge determines eligibility for the program. A veteran who wants the benefit of the VRJA must release records to the judge to show the veteran’s offense is due to service-related trauma.

### **Once eligibility for VRJA by the court is determined, what happens next?**

- Eligible defendants enter a guilty plea, but that plea is not accepted by the Court. The court places the defendant on probation for a period not to exceed the maximum sentence provided for the offense.
- The judge has the flexibility to set conditions for supervision including treatment, education, and rehabilitation.
- The court, the treatment program, the county veterans service officers, probation agents, and the US Department of Veterans Affairs collaborate to maximize services and benefits to the veteran.
- During the probation period, the veteran attends a treatment, education and/or a rehabilitation program that specializes in working with veterans. The court carefully monitors treatment and services.
- If the veteran violates the conditions of probation, the judge may elect to sentence the veteran within the law.

### **At the end of the probationary period a hearing is held to determine if the terms of probation have, or haven’t been met.**

- At the end of supervision, the court holds a hearing with the veteran, the prosecution, probation, and any victims to evaluate the veteran’s rehabilitation against the harm of the offense.
- The veteran must demonstrate to the court that the conditions of probation have been met, that the veteran has benefited from the treatment and services provided, and is no longer a danger to the community.

### **If the terms of probation have been met, charges are dismissed.**

- The court determines if it is in the interest of justice to grant restorative relief and dismiss the charges based on the veteran’s probationary treatment, community service, personal responsibility, leadership, development of career potential, and level of harm to the community or victim from the offense. If these conditions are met, plea is not entered and the charges are dismissed. A non-public record of the case is retained by the BCA if there are future offenses, similar to the record retention for stays of adjudications of drug offenses.

### **The fiscal note for HF998/SF1153 determined this will save the State over \$1 million per year.**

#### **Who Supports VRJA?**

Minnesota County Attorneys Association  
Hennepin County Attorney, Michael Freeman  
Washington County Attorney, Peter Orput  
Ramsey County Attorney, John Choi  
Commanders Task Force  
Veterans of Foreign Wars (VFW)  
American Legion  
Disabled American Veterans (DAV)

Minnesota Board of Public Defense  
State Public Defender, William Ward  
Minnesota Association of Criminal Defense Lawyers  
Minnesota Department of Veterans Affairs  
Minnesota Social Services Association

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