

March 30, 2019

Chairman & Members of the Committee  
House Veterans & Emergency Services Committee  
Oregon State Capitol  
Salem, Oregon

**Re: House Bill 2203**

Dear Chair Evans & Members of the Committee:

I am writing in support of House Bill 2203, in particular, its -1 amendments, which would establish a grant program, administered by the Criminal Justice Commission, for the creation of veteran treatment courts.

As personal background, I have been actively involved in veteran advocacy much of the time since my 1976 discharge from the U.S. Army. Since shortly after the commencement of the Global War on Terror, I have been constantly involved in advocacy for Oregon veterans.

By profession, I am a criminal-defense lawyer. Since 2008, I have focused my veteran advocacy efforts on policy initiatives intended to improve the quality of representation and dispensation of criminal prosecutions of veteran defendants.

I support the -1 amendments, not only because their envisioned grant program would expand the availability of veterans courts in this state, but also because the program could have the beneficial effect of achieving consistency in the operations of the state's veterans courts.

The municipal court of Buffalo, New York created the nation's first veterans court. Using that court as a model, Klamath County, under the leadership of then-district attorney Edwin Caleb, became the first Oregon county to create a veterans treatment court. Three other counties—Lane, Marion, and Washington—followed suit. A fourth county, Multnomah, created a scaled-down version, called a “veterans docket.”

These veterans courts and docket have independent and differing policies guiding their operations. As a result, a veteran in one county may access the courts' specialized services. But an otherwise similarly situated veteran in another county might be denied access.

For example, some counties do not use discharge type as a criterion for determining veterans court eligibility. But other counties exclude veterans who incurred “bad paper” discharges, including by using the Criminal Code's definition of “servicemember.” ORS

135.881(4) (created in 2010, as part of Senate Bill 999). That definition excludes veterans who incurred bad conduct and dishonorable discharges (both of which require courts martial convictions).

Excluding veterans with “bad paper” discharges conflicts with both the Veterans Treatment Court Uniform Law Commission Model, and a 2017 resolution of the American Bar Association (ABA). Those sources recognize that in some instances, misconduct resulting in “bad paper” discharges are a consequence of veterans suffering from post-traumatic stress and/or traumatic brain injury (particularly among veterans who served multiple combat deployments).

The Law Commission Model and the ABA resolution call for leniency in admitting such veterans. Should HB 2203 pass with the -1 amendments, its grant program could help eliminate the inconsistency among veterans courts’ operations—for example, by favoring the adoption of the Law Commission Model and the ABA resolution for veterans court eligibility.

I appreciate the Committee’s consideration of HB 2203. And for the reasons explained above, I urge the Committee’s support of the bill and its -1 amendments.

Respectfully,

s/Jesse Wm. Barton  
JESSE WM. BARTON  
Attorney at Law