

## Sentencing Alternatives for Servicemembers/Veterans

This act provides allows a judge to use discretion when sentencing a veteran or servicemember, who has been diagnosed with a mental illness such as post-traumatic stress disorder and who is charged with a non-violent offence to undergo a counseling/treatment program rather than be sent to jail. However, if an individual does not complete the program they can then be sentenced to jail time.

Submitted as:

Illinois

[HB 2281](#)

Status: Signed into law on July 27, 2009.

### Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] Sentencing Hearings.

2

3 Section 2. [*Sentencing alternatives for servicemembers/veterans.*]

4 Before the sentencing hearing and as part of the presentence investigation under [insert citation],

5 the court shall inquire of the defendant whether the defendant is currently serving in or is a

6 veteran of the Armed Forces of the United States. If the defendant is currently serving in the

7 Armed Forces of the United States or is a veteran of the Armed Forces of the United States and

8 has been diagnosed as having a mental illness by a qualified psychiatrist or clinical psychologist

9 or physician, the court may:

10 (1) order that the officer preparing the presentence report consult with the United States

11 Department of Veterans Affairs, [Illinois] Department of Veterans' Affairs, or another agency

12 or person with suitable knowledge or experience for the purpose of providing the court with

13 information regarding treatment options available to the defendant, including federal, State,

14 and local programming; and

15 (2) consider the treatment recommendations of any diagnosing or treating mental health

16 professionals together with the treatment options available to the defendant in imposing

17 sentence.

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19 For the purposes of this subsection, "qualified psychiatrist" means a reputable physician licensed

20 in [Illinois] to practice medicine in all its branches, who has specialized in the diagnosis and

21 treatment of mental and nervous disorders for a period of not less than 5 years.

22

23 Section 3. [*Severability.*] Insert severability clause.

24

25 Section 4. [*Repealer.*] Insert repealer clause.

26

27 Section 5. [*Effective Date.*] Insert effective date.