

SUBJECT: Sending notices of certain offenses by Texas military forces members

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 6 ayes — Moody, Canales, Gervin-Hawkins, Hefner, Lang, Wilson
0 nays
1 absent — Hunter

WITNESSES: For — (*Registered, but did not testify:* Mark Seitz, Diocese of El Paso; Thomas Parkinson)
Against — None
On — (*Registered, but did not testify:* Tracy Norris, Texas Military Department)

BACKGROUND: Code of Criminal Procedure, art. 42.0183(b) requires court clerks to send to military officials notices of convictions and grants of deferred adjudication that involve criminal defendants who are members of the state military forces or serving in the U.S. armed forces on active duty. If the offense in question involves family violence or a crime under Title 5 of the Penal Code, which governs offenses against persons, the court must notify the staff judge advocate at Joint Force Headquarters or the provost marshal of the military installation to which the service member is assigned.

DIGEST: HB 1655 would require court clerks to send to the staff judge advocate general, rather than to the staff judge advocate at Joint Force Headquarters, notices of convictions or grants of deferred adjudication involving family violence or a crime against a person that were committed by a person who was a member of the state military forces or serving in the U.S. armed forces on active duty.

The bill would take effect September 1, 2017, and would apply only to

convictions entered on or after that date or grants of deferred adjudication made on or after that date.

SUPPORTERS
SAY:

HB 1655 would resolve confusion about where notices involving members of the state military forces who have committed certain crimes should be sent so that state military officials are aware of the situation.

Language in current law is unclear about the exact location where such notices should be sent. Statute says these notices should go to Joint Force Headquarters, which usually is interpreted to mean the whole facility of Camp Mabry in Austin, the headquarters for the Army and Air National Guard and the Texas State Guard. Without more specific instructions on where to send the notices, they can end up in the mailroom, the executive offices, or somewhere else when they should have been directed to the legal office of the judge advocate general. The time it takes for the notice to make its way to the proper office can delay notification of and action by military officials. Given the nature of family violence and crimes against persons, these situations should be handled in a timely manner, which this bill would facilitate.

HB 1655 would clear up this uncertainty by stating that these notices of convictions and deferred adjudication would be sent to the staff judge advocate general, which is the specific, physical legal office that should receive and deal with the notices.

OPPONENTS
SAY:

No apparent opposition.