

## **BILL ANALYSIS**

Senate Research Center

S.B. 1474  
By: Garcia et al.  
Criminal Justice  
6/23/2015  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

More than 1.6 million veterans live in Texas. Some veterans have difficulty transitioning from military service to everyday life and suffer from conditions such as addiction and post-traumatic stress disorder. These ailments often lead to negative consequences including unemployment, homelessness, and criminal convictions.

Since 2009 Texas has led the nation in creating specialized veterans courts. These special court dockets provide structured treatment and accountability for veterans in an effort to keep them out of the criminal justice system. There are currently 20 veterans courts in the state.

Under current statute, only veterans who have served in a combat zone or other similar hazardous duty area are eligible to participate in a veterans court. Some veterans, although they have not seen actual combat, may experience other traumas as part of their service such as a shooting or sexual assault, but under current statute would be ineligible to enter a veterans court treatment program.

S.B. 1474 broadens the eligibility for veteran participation in veterans courts.

S.B. 1474 amends current law relating to the redesignation of veterans court programs as veterans treatment court programs and the eligibility for participation in and administration of those programs.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends the heading to Chapter 124, Government Code, to read as follows:

#### CHAPTER 124. VETERANS TREATMENT COURT PROGRAM

SECTION 2. Amends Section 124.001, Government Code, as follows:

Sec. 124.001. VETERANS TREATMENT COURT PROGRAM DEFINED; PROCEDURES FOR CERTAIN DEFENDANTS. (a) Defines “veterans treatment court program.”

(b) Requires the court in which the criminal case is pending, if a defendant successfully completes a veterans treatment court program, after notice to the attorney representing the state and a hearing in the veterans treatment court at which that court determines that a dismissal is in the best interest of justice, to dismiss the case against the defendant. Deletes existing text requiring the court in which the criminal case is pending, if a defendant successfully completes a veterans court program as authorized under Section 76.011 (Operation of Certain Services and Programs), after notice to the attorney representing the state and a hearing in the veterans treatment court at which that court determines that a

dismissal is in the best interest of justice, to dismiss the criminal action against the defendant.

SECTION 3. Amends Section 124.002, Government Code, by amending Subsections (a) and (b) and adding Subsection (d), as follows:

(a) Authorizes the commissioners court of a county to establish a veterans treatment court program for persons arrested for or charged with any misdemeanor or felony offense. Provides that a defendant is eligible to participate in a veterans treatment court program established under this chapter only if the attorney representing the state consents to the defendant's participation in the program and if the court in which the criminal case is pending finds that the defendant is a veteran or current member of the United States armed forces, including a member of the reserves, national guard, or state guard, who:

(1) suffers from a brain injury, mental illness, or mental disorder, including post-traumatic stress disorder, or was a victim of military sexual trauma that:

(A) occurred during or resulted from the defendant's military service, rather than resulted from the defendant's military service in a combat zone or other similar hazardous duty area; and

(B) affected the defendant's criminal conduct at issue in the case, rather than materially affected the defendant's criminal conduct at issue in the case; or

(2) is a defendant whose participation in a veterans treatment court program, considering the circumstances of the defendant's conduct, personal and social background, and criminal history, is likely to achieve the objective of ensuring public safety through rehabilitation of the veteran in the manner provided by Section 1.02(1) (providing that the intention of the provisions of this code is to insure the public safety through the deterrent influence of the penalties provided, the rehabilitation of those convicted of violations of this code, and such punishment as may be necessary to prevent likely recurrence of criminal behavior, among other enumerated objectives), Penal Code.

Makes nonsubstantive changes.

(b) Requires the court in which the criminal case is pending to allow an eligible defendant to choose whether to proceed through the veterans treatment court program or otherwise through the criminal justice system.

(d) Redefines "military sexual trauma" for purposes of this section.

SECTION 4. Amends the heading to Section 124.003, Government Code, to read as follows:

Sec. 124.003. DUTIES OF VETERANS TREATMENT COURT PROGRAM.

SECTION 5. Amends Section 124.003, Government Code, by amending Subsections (a) and (b) and adding Subsection (b-1), as follows:

(a) Requires that a veterans treatment court program established under this chapter:

(1) ensure that a defendant eligible for participation in the program, rather than ensure a person eligible for the program, is provided legal counsel before volunteering to proceed through the program and while participating in the program;

(2) and (3) Makes no change to these subdivisions; and

(4) ensure that the jurisdiction of the veterans treatment court continues for a period of not less than six months but does not continue beyond the period of community supervision for the offense charged.

(b) Requires that a veterans treatment court program established under this chapter make, establish, and publish local procedures to ensure maximum participation of eligible defendants in the county or counties in which those defendants reside.

(b-1) Authorizes a veterans treatment court program to allow a participant to comply with the participant's court-ordered individualized treatment plan or to fulfill certain other court obligations through the use of videoconferencing software or other Internet-based communications.

SECTION 6. Amends Section 124.004, Government Code, as follows:

Sec. 124.004. ESTABLISHMENT OF REGIONAL PROGRAM. (a) Changes a reference to a regional veterans court program to a regional veterans treatment court program.

(b) Makes conforming changes.

SECTION 7. Amends Section 124.005(a), Government Code, to change a reference to veterans court program to veterans treatment court program.

SECTION 8. Amends Chapter 124, Government Code, by adding Section 124.006, as follows:

Sec. 124.006. COURTESY SUPERVISION. (a) Authorizes a veterans treatment court program that accepts placement of a defendant to transfer responsibility for supervising the defendant's participation in the program to another veterans treatment court program that is located in the county where the defendant works or resides. Authorizes the defendant's supervision to be transferred under this section only with the consent of both veterans treatment court programs and the defendant.

(b) Requires a defendant who consents to the transfer of the defendant's supervision to agree to abide by all rules, requirements, and instructions of the veterans treatment court program that accepts the transfer.

(c) Requires the veterans treatment court program supervising the defendant, if a defendant whose supervision is transferred under this section does not successfully complete the program, to return the responsibility for the defendant's supervision to the veterans treatment court program that initiated the transfer.

(d) Authorizes the court in which the criminal case is pending, if a defendant is charged with an offense in a county that does not operate a veterans treatment court program, to place the defendant in a veterans treatment court program located in the county where the defendant works or resides, provided that a program is operated in that county and the defendant agrees to the placement. Requires a defendant placed in a veterans treatment court program in accordance with this subsection to agree to abide by all rules, requirements, and instructions of the program.

SECTION 9. Amends Section 54.976(a), Government Code, to change a reference to veteran's court proceedings to veterans treatment court proceedings.

SECTION 10. Amends Section 103.0271, Government Code, to change a reference to veterans court program to veterans treatment court program.

SECTION 11. Reenacts Section 772.0061(a)(2), Government Code, as amended by Chapters 747 (S.B. 462) and 1167 (S.B. 484), Acts of the 83rd Legislature, Regular Session, 2013, and amends it to change a reference to veterans court program to veterans treatment court program and to make nonsubstantive changes.

SECTION 12. (a) Provides that the change in law made by this Act by amending Section 124.002, Government Code, applies to a person who, on or after the effective date of this Act, enters a veterans treatment court program under Chapter 124 (Veterans Court Program), Government Code, regardless of whether the person committed the offense for which the person enters the program before, on, or after the effective date of this Act.

(b) Provides that the change in law made by this Act in adding Section 124.006, Government Code, applies to a person who, on or after the effective date of this Act, is under the supervision of a veterans treatment court program.

SECTION 13. Provides that, to the extent of any conflict, this Act prevails over another Act of the 84th Legislature, Regular Session, 2015, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 14. Effective date: September 1, 2015.