

BILL ANALYSIS

Senate Research Center
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H.B. 714
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Veteran Affairs & Border Security
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 714 would establish a veterans reemployment program that would provide education and training to veterans who are placed on community supervision or deferred adjudication after being convicted of a misdemeanor offense. The program would be comprised of courses developed by the Texas Workforce Commission that would provide the participant with workplace skills that are likely to lead to employment.

H.B. 714 would provide that successful completion the program would occur after a veteran obtains and retains employment for three consecutive months, diligently searches for employment for six months, or upon a determination by the court that the veteran is unemployable due to a disability. Upon successful completion of the program, a veteran would be provided with a hearing where a judge would determine if an order of nondisclosure could be ordered for the records of the offense resulting in the veteran's placement on community supervision.

H.B. 714 amends current law relating to a reemployment program available to certain veterans placed on community supervision for a misdemeanor offense.

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 Chapter 42A, Code of Criminal Procedure, by adding Subchapter H-1, as follows:

SUBCHAPTER H-1. VETERANS REEMPLOYMENT PROGRAM

Art. 42A.381. VETERANS REEMPLOYMENT PROGRAM. Defines "veterans reemployment program."

Art. 42A.382. ELIGIBILITY. (a) Provides that a defendant placed on community supervision, including deferred adjudication community supervision, for a misdemeanor offense is eligible to participate in a veterans reemployment program under this subchapter if the defendant is a veteran of the United States armed forces, including a member of the reserves, national guard, or state guard.

(b) Requires the judge granting community supervision to a defendant described by Subsection (a) to inform the defendant of the defendant's eligibility for participation in a veterans reemployment program but prohibits the judge from requiring the defendant to participate in the program.

(c) Authorizes a judge to impose any condition of community supervision that the judge is authorized to impose under this chapter (Community Supervision) on a defendant who chooses to participate in the program under this subchapter, except

that the judge is prohibited from imposing a condition related to the program or the defendant's participation in the program.

Art. 42A.383. EDUCATION AND TRAINING COURSES. (a) Requires the program to provide program participants with access to workforce development education and training courses developed or approved by the Texas Workforce Commission (TWC) under Chapter 316, Labor Code.

(b) Requires the education and training courses under this article to focus on providing a participant with useful workplace skills most likely to lead to gainful employment by the participant.

(c) Authorizes the education and training courses to be individualized based on any physical or intellectual limitations of the participant.

Art. 42A.384. COMPLETION OF PROGRAM. Provides that a participant successfully completes the veterans reemployment program if the participant diligently attends and successfully completes the education and training courses under Article 42A.383 and:

(1) obtains employment and retains that employment for a continuous period of three months;

(2) diligently searches for employment for a continuous period of six months; or

(3) is determined by the court to be unemployable because of a disability.

Art. 42A.385. EXTENDED PERIOD ALLOWED FOR COMPLETION OF PROGRAM. Provides that a defendant is not required to successfully complete a program under this subchapter before the defendant completes the applicable period of community supervision. Authorizes the defendant to continue to participate in a program following the defendant's completion of that period.

Art. 42A.386. FAILURE TO COMPLETE PROGRAM. Prohibits the judge from revoking the community supervision of a defendant solely because the defendant fails to successfully complete a program under this subchapter.

SECTION 2. Amends Subchapter E-1, Chapter 411, Government Code, as follows:

Sec. 411.0729. PROCEDURE FOR CERTAIN VETERANS PLACED ON COMMUNITY SUPERVISION. (a) Requires the court, on successful completion of the veterans reemployment program under Subchapter H-1, Chapter 42A, Code of Criminal Procedure, and all other conditions of the defendant's community supervision, including deferred adjudication community supervision, after notice to the state and a hearing on whether issuance of an order of nondisclosure is in the best interest of justice, to enter an order of nondisclosure with respect to all records of the offense for which the defendant was placed on community supervision.

(b) Provides that Subsection (a) applies regardless of whether the defendant meets the other eligibility criteria under this subchapter.

SECTION 3. Amends Subtitle B, Title 4, Labor Code, by adding Chapter 316, as follows:

CHAPTER 316. VETERANS REEMPLOYMENT EDUCATION AND TRAINING COURSES

Sec. 316.001. EDUCATION AND TRAINING COURSES. (a) Requires TWC to develop or approve education and training courses for the veterans reemployment program under Subchapter H-1, Chapter 42A, Code of Criminal Procedure, to assist eligible veterans in obtaining workforce skills and becoming gainfully employed.

(b) Requires the education and training courses to provide instruction in workforce skills appropriate for veterans with disabilities.

SECTION 4. Requires TWC, not later than January 1, 2020, to develop or approve education and training courses as required under Chapter 316, Labor Code, as added by this Act.

SECTION 5. Makes application of Subchapter H-1, Chapter 42A, Code of Criminal Procedure, as added by this Act, prospective to January 1, 2020.

SECTION 6. Effective date: upon passage or September 1, 2019.