

## **BILL ANALYSIS**

Senate Research Center

H.B. 1092  
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Veteran Affairs & Border Security  
5/13/2021  
Engrossed

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

It has been noted that veterans returning home from deployment struggle not only with the physical wounds of war but also with invisible wounds such as post-traumatic stress disorder and traumatic brain injuries. Some of these veterans have difficulty adjusting to civilian life when returning home as a result of their experiences in the military and unfortunately may become involved in the criminal justice system. There are concerns that, while county sheriffs are required to verify the veteran status of prisoners and assist them in applying for federal veteran benefits, the statutory language regarding the period for performing these checks is vague and that jails perform the checks inconsistently. Additionally, many of these justice-involved veterans cannot afford the cost of postage to mail the benefits requests.

H.B. 1092 seeks to address these concerns and provide more support to these veterans by specifying the time when verification of prisoners' veteran status must occur and by establishing certain requirements for county sheriffs that will assist these veterans in obtaining benefits and other support services at no cost to the veteran.

H.B. 1092 amends current law relating to the verification of the veteran status of inmates and prisoners.

### **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 Section 8(a), Article 42.09, Code of Criminal Procedure, as follows:

(a) Requires a county that transfers a defendant to the Texas Department of Criminal Justice (TDCJ) under Article 42.09 (Commencement of Sentence; Status During Appeal; Pen Packet) to deliver to an officer designated by TDCJ:

(1) - (11) makes no changes to these subdivisions;

(12) and (13) makes nonsubstantive changes to these subdivisions; and

(14) the veteran status of the defendant as determined by an investigation conducted in accordance with Section 511.009(a)(21)(A) (relating to the requirement that the sheriff of each county investigate the veteran status of each prisoner), Government Code.

SECTION 2. Amends Section 501.024(b), Government Code, as follows:

(b) Requires TDCJ to:

(1) investigate and verify the veteran status of each inmate by using the best available federal data in consultation with the Texas Veterans Commission (TVC); and

(2) use the data described by Subdivision (1) to assist inmates who are veterans in applying for federal benefits or compensation for which the inmates may be

eligible under a program administered by the United States Department of Veterans Affairs, including mailing any related paperwork, application, or other correspondence on behalf of and at no charge to the inmate.

SECTION 3. Amends Section 511.009(a), Government Code, as follows:

(a) Requires the Commission on Jail Standards to:

(1)- (20) makes no changes to these subdivisions;

(21) require the sheriff of each county to:

(A) investigate and verify the veteran status of each prisoner during the intake process, rather than investigate and verify the status of each prisoner, by using data made available from the Veterans Reentry Search Service operated by the United States Department of Veterans Affairs or a similar service;

(B) use the data described by Paragraph (A) to assist prisoners who are veterans in applying for federal benefits or compensation for which the prisoners may be eligible under a program administered by the United States Department of Veterans Affairs, including providing the prisoner on verification of the prisoner's veteran status with a prepaid postcard that is supplied by TVC for purposes of requesting assistance in applying for veterans benefits;

(C) submit a daily report identifying each prisoner whose veteran status was verified under Paragraph (A) during the previous day to TVC and, as applicable, the veterans county service officer for the county and each court in which charges against a prisoner identified in the report are pending; and

(D) allow for a prisoner whose veteran status has been verified under Paragraph (A) to have in-person or video visitation with the veterans county service officer for the county or a peer service coordinator at no cost to the prisoner;

(22) - (24) makes no changes to these subdivisions.

SECTION 4. Effective date: September 1, 2021.