

BILL ANALYSIS

Senate Research Center

H.B. 3069
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Criminal Justice
7/31/2017
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

There are currently 29 veterans treatment courts (VTCs) across Texas designed to assist eligible veteran defendants. An eligible veteran includes those who suffer traumatic brain injuries, posttraumatic stress disorder, other mental disorders, or were victims of sexual trauma resulting from their military service.

The purpose of these courts is to rehabilitate veterans by providing them with the tools to lead a law-abiding and productive lifestyle. VTCs have shown a high level of success in preventing recidivism, with Travis County reporting that 83 percent of their VTC graduates are not rearrested.

H.B. 3069 seeks to permit veterans who have successfully completed treatment through a VTC to petition for non-disclosure of their offense as long as the defendant has never been convicted of a violent or sexually violent offense, is not convicted of a felony offense between the program graduation date and the second anniversary of that date, and was not convicted of an offense that involved the operation of a motor vehicle while intoxicated (DWI).

The non-disclosure agreements remain visible to law enforcement officers, but do not have to be disclosed to employers, providing greater opportunities for the veteran to find long-term employment and seek financial stability.

As written, H.B. 3069 amends Section 124 of the Government Code to assist veteran defendants who have completed a VTC program.

H.B. 3069 amends current law relating to the administration of and eligibility for participation in a veterans treatment court program and the issuance of orders of nondisclosure for certain participants who successfully complete that program.

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 124.001(b), Government Code, as follows:

(b) Requires a certain court, if a defendant who was arrested for or charged with, but not convicted of or placed on deferred adjudication community supervision for, an offense successfully completes a veterans treatment court (VTC) program, after certain notice and a certain hearing, to dismiss the case against the defendant.

SECTION 2. Amends Sections 124.002(a) and (c), Government Code, as follows:

(a) Authorizes the commissioners court of a county to establish a VTC program for persons arrested for, charged with, convicted of, or placed on deferred adjudication community supervision for, rather than arrested for or charged with, any misdemeanor or felony case. Provides that a defendant is eligible to participate in a VTC program

established under this chapter (Veterans Treatment Court Program) only if certain conditions are met, including if the court in which the defendant was convicted or placed on deferred adjudication community supervision, as applicable, makes certain findings.

(c) Authorizes certain proof of matters to be submitted to the applicable criminal court, rather than the court in which the criminal case is pending, in any form the court determines to be appropriate.

SECTION 3. Amends Section 124.003(a), Government Code, as follows:

(a) Requires a VTC program established under this chapter to:

(1) if there has not yet been a disposition in the criminal case, ensure that a defendant eligible for participation in the program is provided legal counsel before volunteering to proceed through the program and while participating in the program;

(2) allow a participant arrested for or charged with an offense, rather than a participant, to withdraw from the program at any time before a trial on the merits has been initiated;

(3) and (4) makes no changes to these subdivisions.

SECTION 4. Amends Subchapter E-1, Chapter 411, Government Code, by adding Section 411.0727, as follows:

Sec. 411.0727. PROCEDURE FOLLOWING SUCCESSFUL COMPLETION OF VETERANS TREATMENT COURT PROGRAM. (a) Provides that this section applies only to a person who successfully completes a VTC program under Chapter 124 or former law.

(b) Provides that a person described by Subsection (a), notwithstanding any other provision of this subchapter (Order of Nondisclosure of Criminal History Record Information) or Subchapter F (Criminal History Record Information), is entitled to file with the court that placed the person in the VTC program a petition for an order of nondisclosure of criminal history record information if the person meets certain requirements.

(c) Requires the court, regardless of whether the person was convicted of or placed on deferred adjudication community supervision for the offense for which the person entered the VTC program or whether the case against the person was dismissed under Section 124.001(b), after notice to the state, an opportunity for a hearing, and a determination that the person is entitled to file the petition and issuance of the order is in the best interest of justice, to issue an order prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense for which the person entered the VTC program.

(d) Authorizes a person to file with the court that placed the person in the VTC program a petition for an order of nondisclosure of criminal history record information under this section only on or after a certain date.

(e) Provides that a person is not entitled to petition the court for an order of nondisclosure of criminal history record information if the person's entry into the VTC program arose as the result of a conviction of an offense involving the operation of a motor vehicle while intoxicated.

SECTION 5. (a) Provides that the change in law made by this Act by amending Sections 124.002 and 124.003, Government Code, applies to a person who, on or after the effective date of this Act, enters a VTC program created under Chapter 124, Government Code, regardless of whether

the person entering the program 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 by adding Section 411.0727, Government Code, applies to a person who, on or after the effective date of this Act, enters a VTC program created under Chapter 124, Government Code, or former law, regardless of whether the person entering the program committed the offense for which the person enters the program before, on, or after the effective date of this Act.

SECTION 6. Effective date: September 1, 2017.