

By: Farias

H.B. No. 1048

A BILL TO BE ENTITLED

AN ACT

relating to the administration of and eligibility for participation in veterans court programs; changing a fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 124.002, Government Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) The commissioners court of a county may establish a veterans court program for persons arrested for or charged with any misdemeanor or felony offense. A defendant is eligible to participate in a veterans 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:

(1) the defendant:

(A) ~~[(1)]~~ is a veteran or current member of the United States armed forces, including a member of the reserves, national guard, or state guard; and

(B) ~~[(2)]~~ suffers from a brain injury, mental illness, or mental disorder, including post-traumatic stress disorder, or was a victim of military sexual trauma if the injury, illness, disorder, or trauma ~~[that]~~:

(i) occurred during or ~~[(A)]~~ resulted from the defendant's military service ~~[in a combat zone or other similar~~

1 ~~hazardous duty area~~]; and

2 (ii) [~~(B) materially~~] affected the
3 defendant's criminal conduct at issue in the case; or

4 (2) considering the circumstances of the defendant's
5 conduct, personal and social background, and criminal history, the
6 defendant's participation in a veterans court program is likely to
7 achieve the objective of ensuring public safety through
8 rehabilitation of the veteran in the manner provided by Section
9 1.02(1), Penal Code.

10 (d) In this section, "military sexual trauma" means any
11 sexual assault or sexual harassment that occurs while the victim is
12 a member of the United States armed forces performing the person's
13 regular duties.

14 SECTION 2. Section 124.005(a), Government Code, is amended
15 to read as follows:

16 (a) A veterans court program established under this chapter
17 may collect from a participant in the program:

18 (1) a reasonable program fee not to exceed \$500
19 [~~\$1,000~~]; and

20 (2) a testing, counseling, and treatment fee in an
21 amount necessary to cover the costs of any testing, counseling, or
22 treatment performed or provided under the program.

23 SECTION 3. Section 103.0271, Government Code, is amended to
24 read as follows:

25 Sec. 103.0271. ADDITIONAL MISCELLANEOUS FEES AND COSTS:
26 GOVERNMENT CODE. Fees and costs shall be paid or collected under
27 the Government Code as follows:

1 (1) a program fee for a drug court program (Sec.
2 123.004, Government Code) . . . not to exceed \$1,000;

3 (2) an alcohol or controlled substance testing,
4 counseling, and treatment fee (Sec. 123.004, Government
5 Code) . . . the amount necessary to cover the costs of testing,
6 counseling, and treatment;

7 (3) a reasonable program fee for a veterans court
8 program (Sec. 124.005, Government Code) . . . not to exceed \$500
9 [~~\$1,000~~]; and

10 (4) a testing, counseling, and treatment fee for
11 testing, counseling, or treatment performed or provided under a
12 veterans court program (Sec. 124.005, Government Code) . . . the
13 amount necessary to cover the costs of testing, counseling, or
14 treatment.

15 SECTION 4. This Act takes effect September 1, 2015.