

By: White

H.B. No. 3069

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the administration of and eligibility for participation
3 in a veterans treatment court program and the issuance of orders of
4 nondisclosure for certain participants who successfully complete
5 that program.

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

7 SECTION 1. Section [124.001](#), Government Code, is amended by
8 amending Subsection (b) and adding Subsections (c) and (d) to read
9 as follows:

10 (b) If a defendant who was arrested for or charged with, but
11 not convicted of or placed on deferred adjudication community
12 supervision for, an offense successfully completes a veterans
13 treatment court program, after notice to the attorney representing
14 the state and a hearing in the veterans treatment court at which
15 that court determines that a dismissal is in the best interest of
16 justice, the court in which the criminal case is pending shall
17 dismiss the case against the defendant.

18 (c) Regardless of whether the defendant is later convicted
19 of or placed on deferred adjudication community supervision for the
20 offense for which the defendant entered the veterans treatment
21 court program, if a defendant described by Subsection (b)
22 successfully completes a veterans treatment court program and the
23 case is not dismissed under that subsection, after notice to the
24 state and a hearing on whether the defendant is otherwise entitled

1 to the petition and whether issuance of the order is in the best
2 interest of justice, the court shall enter an order of
3 nondisclosure of criminal history record information under
4 Subchapter E-1, Chapter 411, with respect to all records and files
5 related to the defendant's arrest for the offense for which the
6 defendant entered the program if the defendant:

7 (1) has not been previously convicted of an offense
8 listed in Article 42A.054(a), Code of Criminal Procedure, or a
9 sexually violent offense, as defined by Article 62.001, Code of
10 Criminal Procedure; and

11 (2) is not convicted for any felony offense between
12 the date on which the defendant successfully completed the program
13 and the second anniversary of that date.

14 (d) A defendant who successfully completes a veterans
15 treatment court program as a result of receiving a conviction or
16 deferred adjudication community supervision for an offense is
17 entitled to petition for an order of nondisclosure of criminal
18 history record information as described by Subsection (c), except
19 that a defendant is not entitled to petition the court for an order
20 of nondisclosure if the defendant's entry into the veterans
21 treatment court program arose as the result of a conviction for an
22 offense involving the operation of a motor vehicle while
23 intoxicated.

24 SECTION 2. Sections 124.002(a) and (c), Government Code,
25 are amended to read as follows:

26 (a) The commissioners court of a county may establish a
27 veterans treatment court program for persons arrested for, ~~[or]~~

1 charged with, convicted of, or placed on deferred adjudication
2 community supervision for any misdemeanor or felony offense. A
3 defendant is eligible to participate in a veterans treatment court
4 program established under this chapter only if the attorney
5 representing the state consents to the defendant's participation in
6 the program and if the court in which the criminal case is pending
7 or in which the defendant was convicted or placed on deferred
8 adjudication community supervision, as applicable, finds that the
9 defendant is a veteran or current member of the United States armed
10 forces, including a member of the reserves, national guard, or
11 state guard, who:

12 (1) suffers from a brain injury, mental illness, or
13 mental disorder, including post-traumatic stress disorder, or was a
14 victim of military sexual trauma if the injury, illness, disorder,
15 or trauma [that]:

16 (A) occurred during or resulted from the
17 defendant's military service; and

18 (B) affected the defendant's criminal conduct at
19 issue in the case; or

20 (2) is a defendant whose participation in a veterans
21 treatment court program, considering the circumstances of the
22 defendant's conduct, personal and social background, and criminal
23 history, is likely to achieve the objective of ensuring public
24 safety through rehabilitation of the veteran in the manner provided
25 by Section 1.02(1), Penal Code.

26 (c) Proof of matters described by Subsection (a) may be
27 submitted to the applicable criminal court [~~in which the criminal~~

1 ~~case is pending]~~ in any form the court determines to be appropriate,
2 including military service and medical records, previous
3 determinations of a disability by a veteran's organization or by
4 the United States Department of Veterans Affairs, testimony or
5 affidavits of other veterans or service members, and prior
6 determinations of eligibility for benefits by any state or county
7 veterans office. The court's findings must accompany any docketed
8 case.

9 SECTION 3. Section 124.003(a), Government Code, is amended
10 to read as follows:

11 (a) A veterans treatment court program established under
12 this chapter must:

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

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

20 (3) provide a participant with a court-ordered
21 individualized treatment plan indicating the services that will be
22 provided to the participant; and

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

27 SECTION 4. The change in law made by this Act by adding

1 Sections 124.001(c) and (d), Government Code, and amending Section
2 124.002, Government Code, applies to a person who, on or after the
3 effective date of this Act, enters a veterans treatment court
4 program under Chapter 124, Government Code, regardless of whether
5 the person committed the offense for which the person enters the
6 program before, on, or after the effective date of this Act.

7 SECTION 5. This Act takes effect September 1, 2017.