

1-1 By: White (Senate Sponsor - Campbell) H.B. No. 3069
 1-2 (In the Senate - Received from the House May 5, 2017;
 1-3 May 5, 2017, read first time and referred to Committee on Criminal
 1-4 Justice; May 19, 2017, reported favorably by the following vote:
 1-5 Yeas 7, Nays 0; May 19, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9			X	
1-10			X	
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the administration of and eligibility for participation
 1-20 in a veterans treatment court program and the issuance of orders of
 1-21 nondisclosure for certain participants who successfully complete
 1-22 that program.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 124.001(b), Government Code, is amended
 1-25 to read as follows:

1-26 (b) If a defendant who was arrested for or charged with, but
 1-27 not convicted of or placed on deferred adjudication community
 1-28 supervision for, an offense successfully completes a veterans
 1-29 treatment court program, after notice to the attorney representing
 1-30 the state and a hearing in the veterans treatment court at which
 1-31 that court determines that a dismissal is in the best interest of
 1-32 justice, the court in which the criminal case is pending shall
 1-33 dismiss the case against the defendant.

1-34 SECTION 2. Sections 124.002(a) and (c), Government Code,
 1-35 are amended to read as follows:

1-36 (a) The commissioners court of a county may establish a
 1-37 veterans treatment court program for persons arrested for, ~~or~~
 1-38 charged with, convicted of, or placed on deferred adjudication
 1-39 community supervision for any misdemeanor or felony offense. A
 1-40 defendant is eligible to participate in a veterans treatment court
 1-41 program established under this chapter only if the attorney
 1-42 representing the state consents to the defendant's participation in
 1-43 the program and if the court in which the criminal case is pending
 1-44 or in which the defendant was convicted or placed on deferred
 1-45 adjudication community supervision, as applicable, finds that the
 1-46 defendant is a veteran or current member of the United States armed
 1-47 forces, including a member of the reserves, national guard, or
 1-48 state guard, who:

1-49 (1) suffers from a brain injury, mental illness, or
 1-50 mental disorder, including post-traumatic stress disorder, or was a
 1-51 victim of military sexual trauma if the injury, illness, disorder,
 1-52 or trauma [that]:

1-53 (A) occurred during or resulted from the
 1-54 defendant's military service; and

1-55 (B) affected the defendant's criminal conduct at
 1-56 issue in the case; or

1-57 (2) is a defendant whose participation in a veterans
 1-58 treatment court program, considering the circumstances of the
 1-59 defendant's conduct, personal and social background, and criminal
 1-60 history, is likely to achieve the objective of ensuring public
 1-61 safety through rehabilitation of the veteran in the manner provided

2-1 by Section 1.02(1), Penal Code.

2-2 (c) Proof of matters described by Subsection (a) may be
 2-3 submitted to the applicable criminal court [~~in which the criminal~~
 2-4 ~~case is pending~~] in any form the court determines to be appropriate,
 2-5 including military service and medical records, previous
 2-6 determinations of a disability by a veteran's organization or by
 2-7 the United States Department of Veterans Affairs, testimony or
 2-8 affidavits of other veterans or service members, and prior
 2-9 determinations of eligibility for benefits by any state or county
 2-10 veterans office. The court's findings must accompany any docketed
 2-11 case.

2-12 SECTION 3. Section 124.003(a), Government Code, is amended
 2-13 to read as follows:

2-14 (a) A veterans treatment court program established under
 2-15 this chapter must:

2-16 (1) if there has not yet been a disposition in the
 2-17 criminal case, ensure that a defendant eligible for participation
 2-18 in the program is provided legal counsel before volunteering to
 2-19 proceed through the program and while participating in the program;

2-20 (2) allow a participant arrested for or charged with
 2-21 an offense to withdraw from the program at any time before a trial
 2-22 on the merits has been initiated;

2-23 (3) provide a participant with a court-ordered
 2-24 individualized treatment plan indicating the services that will be
 2-25 provided to the participant; and

2-26 (4) ensure that the jurisdiction of the veterans
 2-27 treatment court continues for a period of not less than six months
 2-28 but does not continue beyond the period of community supervision
 2-29 for the offense charged.

2-30 SECTION 4. Subchapter E-1, Chapter 411, Government Code, is
 2-31 amended by adding Section 411.0727 to read as follows:

2-32 Sec. 411.0727. PROCEDURE FOLLOWING SUCCESSFUL COMPLETION
 2-33 OF VETERANS TREATMENT COURT PROGRAM. (a) This section applies only
 2-34 to a person who successfully completes a veterans treatment court
 2-35 program under Chapter 124 or former law.

2-36 (b) Notwithstanding any other provision of this subchapter
 2-37 or Subchapter F, a person described by Subsection (a) is entitled to
 2-38 file with the court that placed the person in the veterans treatment
 2-39 court program a petition for an order of nondisclosure of criminal
 2-40 history record information under this section if the person:

2-41 (1) satisfies the requirements of this section;

2-42 (2) has never been previously convicted of an offense
 2-43 listed in Article 42A.054(a), Code of Criminal Procedure, or a
 2-44 sexually violent offense, as defined by Article 62.001, Code of
 2-45 Criminal Procedure; and

2-46 (3) is not convicted of any felony offense between the
 2-47 date on which the person successfully completed the program and the
 2-48 second anniversary of that date.

2-49 (c) Regardless of whether the person was convicted of or
 2-50 placed on deferred adjudication community supervision for the
 2-51 offense for which the person entered the veterans treatment court
 2-52 program or whether the case against the person was dismissed under
 2-53 Section 124.001(b), after notice to the state, an opportunity for a
 2-54 hearing, and a determination that the person is entitled to file the
 2-55 petition and issuance of the order is in the best interest of
 2-56 justice, the court shall issue an order prohibiting criminal
 2-57 justice agencies from disclosing to the public criminal history
 2-58 record information related to the offense for which the person
 2-59 entered the veterans treatment court program.

2-60 (d) A person may file with the court that placed the person
 2-61 in the veterans treatment court program a petition for an order of
 2-62 nondisclosure of criminal history record information under this
 2-63 section only on or after the second anniversary of the date the
 2-64 person successfully completed the program.

2-65 (e) A person is not entitled to petition the court for an
 2-66 order of nondisclosure of criminal history record information under
 2-67 this section if the person's entry into the veterans treatment
 2-68 court program arose as the result of a conviction of an offense
 2-69 involving the operation of a motor vehicle while intoxicated.

3-1 SECTION 5. Section 411.074, Government Code, is amended by
3-2 adding Subsection (c) to read as follows:

3-3 (c) This section does not apply to an order of nondisclosure
3-4 of criminal history record information under Section 411.0727.

3-5 SECTION 6. (a) The change in law made by this Act by
3-6 amending Sections 124.002 and 124.003, Government Code, applies to
3-7 a person who, on or after the effective date of this Act, enters a
3-8 veterans treatment court program created under Chapter 124,
3-9 Government Code, regardless of whether the person entering the
3-10 program committed the offense for which the person enters the
3-11 program before, on, or after the effective date of this Act.

3-12 (b) The change in law made by this Act by adding Section
3-13 411.0727, Government Code, applies to a person who, on or after the
3-14 effective date of this Act, enters a veterans treatment court
3-15 program created under Chapter 124, Government Code, or former law,
3-16 regardless of whether the person entering the program committed the
3-17 offense for which the person enters the program before, on, or after
3-18 the effective date of this Act.

3-19 SECTION 7. This Act takes effect September 1, 2017.

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