

House Bill 3069
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

(b) 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 program, after notice to the attorney representing the state and a hearing in the veterans treatment court at which that court determines that a dismissal is in the best interest of justice, the court in which the criminal case is pending shall dismiss the case against the defendant.

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

(a) The commissioners court of a county may establish a veterans treatment court program for persons arrested for, ~~or~~ charged with, convicted of, or placed on deferred adjudication community supervision for any misdemeanor or felony offense. A defendant is eligible to participate in a veterans treatment 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 or in which the defendant was convicted or placed on deferred adjudication community supervision, as applicable, finds that the defendant is a veteran or current member of the United States armed forces, including a member of the reserves, national guard, or state guard, who:

(1) 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~~:

SENATE VERSION (IE)

SECTION 1. Same as House version.

SECTION 2. Same as House version.

CONFERENCE

House Bill 3069
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

- (A) occurred during or resulted from the defendant's military service; and
- (B) affected the defendant's criminal conduct at issue in the case; or
- (2) is a defendant whose participation in a veterans treatment court program, considering the circumstances of the defendant's conduct, personal and social background, and criminal history, is likely to achieve the objective of ensuring public safety through rehabilitation of the veteran in the manner provided by Section 1.02(1), Penal Code.
- (c) Proof of matters described by Subsection (a) may be submitted to the applicable criminal court [~~in which the criminal case is pending~~] in any form the court determines to be appropriate, including military service and medical records, previous determinations of a disability by a veteran's organization or by the United States Department of Veterans Affairs, testimony or affidavits of other veterans or service members, and prior determinations of eligibility for benefits by any state or county veterans office. The court's findings must accompany any docketed case.

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

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

SENATE VERSION (IE)

SECTION 3. Same as House version.

CONFERENCE

House Bill 3069
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

to withdraw from the program at any time before a trial on the merits has been initiated;

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

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

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

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

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

(1) satisfies the requirements of this section;

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

(3) is not convicted of any felony offense between the date on

SENATE VERSION (IE)

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

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

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

(1) satisfies the requirements of this section and Section 411.074; [FA1(1)]

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

(3) is not convicted of any felony offense between the date on

CONFERENCE

House Bill 3069
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

which the person successfully completed the program and the second anniversary of that date.

(c) Regardless of whether the person was convicted of or placed on deferred adjudication community supervision for the offense for which the person entered the veterans treatment court 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, the court shall 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 veterans treatment court program.

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

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

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

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

SENATE VERSION (IE)

which the person successfully completed the program and the second anniversary of that date.

(c) Regardless of whether the person was convicted of or placed on deferred adjudication community supervision for the offense for which the person entered the veterans treatment court 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, the court shall 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 veterans treatment court program.

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

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

No equivalent provision. SECTION 5. [Deleted by FA1(2)]

CONFERENCE

House Bill 3069
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 6. (a) 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 veterans treatment court 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) 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 veterans treatment court 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 7. This Act takes effect September 1, 2017.

SENATE VERSION (IE)

SECTION 6. Same as House version.

SECTION 7. Same as House version.

CONFERENCE