

BILL ANALYSIS

Senate Research Center
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S.B. 1180
By: Menéndez
Veteran Affairs & Border Security
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

There are over 15 veterans treatment courts operating in Texas. These programs have made a significant and positive impact on the lives of the veterans and their loved ones. Rather than focusing on a traditional incarceration method, veterans treatment courts look to reduce recidivism rates by requiring active participation in self-improvement programs designed to address the root issues leading to the high number of veteran arrests.

Consistent positive results are demonstrating the successful endeavor of these courts to give veterans a needed second chance, rather than placing them into a system that will likely lead to repeat offenses. S.B. 1180 improves these courts on a variety of levels.

1. First, this bill would provide a specific funding source for veterans treatment courts. It would establish a \$2 court fee. If a county has a veterans court, the county would keep 60 percent of the revenue and send the remaining 40 percent to the Criminal Justice Division to administer in grants for other veterans courts. The number one issue preventing these courts from being more successful and helping more veterans struggling with mental illness is a reliable funding source.

2. Second, this bill makes the requirement for eligibility more inclusive to encompass any veteran and not discriminate based on type of service. Hazards exist simply by engaging in military activity. Additionally, the current statute prevents victims of military sexual trauma from participating in the program.

3. Third, S.B. 1180 would allow a veteran to get an expedited expunction upon completion of the program. Although many courts offer eligibility for record expunction, many veterans lack the resources to follow through, resulting in a criminal record despite completing a rehabilitation program.

Lastly, in order to reach all veterans who are willing to participate in the program, this bill allows veterans treatment court judges to transfer jurisdiction of cases. This will particularly benefit the veteran population that is either homeless or in transitional housing, a demographic that often gets caught up in the justice system and struggles to get out.

As proposed, S.B. 1180 amends current law relating to certain procedures applicable to veterans who participate in veterans treatment court programs and to a court cost imposed on conviction to benefit those programs; and changes a fee.

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 Subchapter A, Chapter 102, Code of Criminal Procedure, by adding Article 102.0175, as follows:

Art. 102.0175. COST ON CONVICTION TO BENEFIT VETERANS TREATMENT COURT PROGRAMS. (a) Requires a person, to benefit veterans treatment court programs in this state, in addition to other costs on conviction imposed by this chapter (Costs Paid by Defendants), to pay \$2 as a court cost on conviction of any misdemeanor or felony offense.

(b) Provides that, for purposes of this article, a person is considered to have been convicted if a sentence is imposed or the defendant receives community supervision, including deferred adjudication community supervision.

(c) Provides that court costs under this article are collected in the same manner as other fines or costs. Requires an officer collecting the costs to keep separate records of the funds collected as costs under this article and to deposit the funds in the county treasury, as appropriate.

(d) Requires the custodian of a county treasury to keep records of the amount of funds on deposit collected under this article and, except as provided by Subsection (e), send to the comptroller of public accounts of the State of Texas (comptroller) before the last day of the first month following each calendar quarter the funds collected under this article during the preceding quarter.

(e) Entitles a county, if the county has established a veterans treatment court program or establishes a veterans treatment court program before the expiration of the calendar quarter, to retain 60 percent of the funds collected under this article by an officer of the county during the calendar quarter to be used exclusively for the development and maintenance of veterans treatment court programs operated within the county.

(f) Requires the custodian of a county treasury, if no funds due as costs under this article are deposited in the treasury in a calendar quarter, to file the report required for the quarter in the regular manner and to state that no funds were collected.

(g) Requires the comptroller to deposit the funds received under this article to the credit of the veterans treatment court account in the general revenue fund to help fund veterans treatment court programs established under Chapter 124 (Veterans Treatment Court Program), Government Code, or former law. Requires the legislature to appropriate money from the account solely to the criminal justice division of the Office of the Governor for distribution to veterans treatment court programs that apply for the money.

(h) Provides that funds collected under this article are subject to audit by the comptroller.

SECTION 2. Amends Subchapter B, Chapter 102, Government Code, by adding Section 102.02111, as follows:

Sec. 102.02111. ADDITIONAL COURT COSTS ON CONVICTION: CODE OF CRIMINAL PROCEDURE. Requires a person convicted of a misdemeanor or felony offense to pay, in addition to all other costs, a court cost on conviction to benefit veterans treatment court programs in this state (Art. 102.0175, Code of Criminal Procedure). . . \$2.

SECTION 3. Amends Section 103.027(a), Government Code, as effective September 1, 2019, as follows:

(a) Requires fees and costs to be paid or collected under the Government Code as follows:

(1)–(6) makes no changes to these subdivisions;

(7) a reasonable program fee for a veterans treatment court program (Sec. 124.005 (Fees), Government Code) . . . not to exceed \$500, rather than not to exceed \$1,000;

(8)–(9) makes no changes to these subdivisions;

(9-a) a reasonable program fee for a public safety employees treatment court program (Sec. 129.006 (Fees), Government Code) . . . not to exceed \$1,000;

(9-b) a testing, counseling, and treatment fee for testing, counseling, or treatment performed or provided under a public safety employees treatment court program (Sec. 129.006, Government Code)) . . . the amount necessary to cover the costs of testing, counseling, or treatment; and

(10) makes no changes to this subdivision.

(b) Repealer: Section 103.02714 (Additional Miscellaneous Fees and Costs: Government Code), Government Code

Repealer: Section 103.02715 (Additional Miscellaneous Fees and Costs: Government Code), Government Code.

SECTION 4. Reenacts Section 124.001(b), Government Code, as amended by Chapters 693 (H.B. 322) and 889 (H.B. 3069), Acts of the 85th Legislature, Regular Session, 2017, as follows:

(b) Requires a veterans treatment 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 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, to provide to the court in which the criminal case is pending information about the dismissal and to include all of the information required about the defendant for a petition for expunction under Section 2(b) (relating to requiring a petition to be verified and to contain certain information), Article 55.02, Code of Criminal Procedure. Requires the court in which the criminal case is pending to dismiss the case against the defendant and:

(1) if that trial court is a district court, the court is authorized to, with the consent of the attorney representing the state, to enter an order of expunction on behalf of the defendant under Section 1a(a-1) (relating to authorization of a trial court dismissing a case following a person's completion of a veterans treatment court program to enter an order of expunction for a person entitled to expunction), Article 55.02, Code of Criminal Procedure; or

(2) if that trial court is not a district court, the court is authorized to, with the consent of the attorney representing the state, to forward the appropriate dismissal and expunction information to enable a district court with jurisdiction to enter an order of expunction on behalf of the defendant under Section 1a(a-1), Article 55.02, Code of Criminal Procedure.

SECTION 5. Amends Section 124.005(a), Government Code, to authorize a veterans treatment court program established under this chapter to collect from a participant in the program a reasonable program fee not to exceed \$500, rather than not to exceed \$1,000, and certain other fees.

SECTION 6. (a) Makes application of Article 102.0175, Code of Criminal Procedure, as added by this Act, prospective. Provides that for purposes of this subsection an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

(b) Provides that Section 124.005(a), Government Code, as amended by this Act, applies to a person who, on or after the effective date of this Act, enters a veterans treatment

court program under Chapter 124, Government Code, regardless of whether the person committed the offense for which the person enters the program before, on, or after the effective date of this Act.

SECTION 7. Provides that, to the extent of any conflict, this Act prevails over another Act of the 86th Legislature, Regular Session, 2019, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 8. Effective date: September 1, 2019.