

By: Gervin-Hawkins

H.B. No. 28

A BILL TO BE ENTITLED

AN ACT

relating to recognizing persons who separated from military service solely on the basis of sexual orientation as honorably discharged veterans under state law.

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

SECTION 1. Chapter 434, Government Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. BENEFITS, RIGHTS, PRIVILEGES, AND IMMUNITIES OF
CERTAIN VETERANS

Sec. 434.451. DEFINITIONS. In this subchapter:

(1) "Active military service" has the meaning assigned by Section 437.001.

(2) "DD Form 214" means any edition of United States Department of Defense Form 214 (Certificate of Release or Discharge from Active Duty).

(3) "Military discharge record" means a document issued to a service member of the armed forces of the United States or the Texas Military Forces showing the service member's release or discharge from active military service. The term includes DD Form 214.

(4) "Separation code" means:

(A) an alphanumeric code found in block 26 of the edition of DD Form 214 dated 01 August 2009; or

(B) a numeric code commonly known as a separation

1 program code used on a previous edition of DD Form 214.

2 Sec. 434.452. CERTAIN PERSONS CONSIDERED HONORABLY
3 DISCHARGED. (a) The State of Texas recognizes a person as having
4 been honorably discharged from active military service if:

5 (1) according to the person's military discharge
6 record, the person was dishonorably discharged, or resigned,
7 retired, or otherwise separated from active military service on the
8 basis of the person's sexual orientation; and

9 (2) based on any previous characterization of service,
10 the person would have otherwise received a more favorable character
11 of discharge.

12 (b) For purposes of Subsection (a)(1), a person is
13 considered to have been dishonorably discharged or to have
14 resigned, retired, or otherwise separated from active military
15 service on the basis of the person's sexual orientation if:

16 (1) any of the following separation codes appear on
17 the person's DD Form 214 and represent a ground on which the person
18 was released or discharged from the armed forces of the United
19 States:

20 (A) BLC;

21 (B) BML;

22 (C) BRA;

23 (D) BRB;

24 (E) BRC;

25 (F) DLC;

26 (G) GKC;

27 (H) GLC;

- 1 (I) GML;
- 2 (J) GRA;
- 3 (K) GRB;
- 4 (L) GRC;
- 5 (M) HLC;
- 6 (N) HRA;
- 7 (O) HRB;
- 8 (P) HRC;
- 9 (Q) HWL;
- 10 (R) JB;
- 11 (S) JJB;
- 12 (T) JKC;
- 13 (U) JLC;
- 14 (V) JML;
- 15 (W) JRA;
- 16 (X) JRB;
- 17 (Y) JRC;
- 18 (Z) KRA;
- 19 (AA) KRB;
- 20 (BB) KRC;
- 21 (CC) RA;
- 22 (DD) RC;
- 23 (EE) 249;
- 24 (FF) 250;
- 25 (GG) 251;
- 26 (HH) 252;
- 27 (II) 253;

1 (JJ) 255;

2 (KK) 256;

3 (LL) 257; or

4 (MM) 586; or

5 (2) any other ground for release or discharge from
6 active military service based on sexual orientation, including a
7 predecessor or successor to a separation code listed in Subdivision
8 (1), appears on the person's military discharge record.

9 Sec. 434.453. ENTITLEMENT TO BENEFITS, RIGHTS, PRIVILEGES,
10 AND IMMUNITIES. Notwithstanding any other law, a person recognized
11 as having been honorably discharged under Section 434.452(a) is
12 entitled to all benefits, rights, privileges, and immunities
13 provided by this state or under state law to an honorably discharged
14 veteran.

15 Sec. 434.454. PROOF OF CERTAIN DISCHARGE. For purposes of
16 this subchapter, an agency or officer of this state shall accept a
17 copy of a person's DD Form 214 identified or commonly known as
18 "Service 2 Copy" or "Member 4 Copy."

19 SECTION 2. This Act takes effect on the 91st day after the
20 last day of the legislative session.