88R10894 EAS-F

By:  Raymond H.B. No. 2864

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility of service members and veterans to participate in a veterans treatment court program.

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

SECTION 1.  Section 124.002(a), Government Code, is amended to read as follows:

(a)  The commissioners court of a county may establish a veterans treatment court program for persons arrested for, charged with, convicted of, or placed on deferred adjudication community supervision for any misdemeanor or felony offense.  Except for good cause shown by an attorney representing the state to deny a defendant's participation in the program, a [~~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:

(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.

SECTION 2.  This Act takes effect September 1, 2023.