

By: Raymond

H.B. No. 2864

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the eligibility of service members and veterans to
3 participate in a veterans treatment court program.

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

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

7 (a) The commissioners court of a county may establish a
8 veterans treatment court program for persons arrested for, charged
9 with, convicted of, or placed on deferred adjudication community
10 supervision for any misdemeanor or felony offense. Except for good
11 cause shown by an attorney representing the state to deny a
12 defendant's participation in the program, a [A] defendant is
13 eligible to participate in a veterans treatment court program
14 established under this chapter [~~only if the attorney representing~~
15 ~~the state consents to the defendant's participation in the program~~
16 ~~and]~~ if the court in which the criminal case is pending or in which
17 the defendant was convicted or placed on deferred adjudication
18 community supervision, as applicable, finds that the defendant is a
19 veteran or current member of the United States armed forces,
20 including a member of the reserves, national guard, or state guard,
21 who:

22 (1) suffers from a brain injury, mental illness, or
23 mental disorder, including post-traumatic stress disorder, or was a
24 victim of military sexual trauma if the injury, illness, disorder,

1 or trauma:

2 (A) occurred during or resulted from the
3 defendant's military service; and

4 (B) affected the defendant's criminal conduct at
5 issue in the case; or

6 (2) is a defendant whose participation in a veterans
7 treatment court program, considering the circumstances of the
8 defendant's conduct, personal and social background, and criminal
9 history, is likely to achieve the objective of ensuring public
10 safety through rehabilitation of the veteran in the manner provided
11 by Section 1.02(1), Penal Code.

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