

By: Garcia

H.B. No. 4962

A BILL TO BE ENTITLED

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

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

5 SECTION 1. Section 124.002, Government Code, is amended by
6 amending Subsection (a) and adding Subsection (a-1) to read as
7 follows:

8 (a) The commissioners court of a county may establish a
9 veterans treatment court program for persons arrested for, charged
10 with, convicted of, or placed on deferred adjudication community
11 supervision for any misdemeanor or felony offense. A defendant is
12 eligible to participate in a veterans treatment court program
13 established under this chapter only if:

14 (1) the attorney representing the state consents to
15 the defendant's participation in the program, subject to Subsection
16 (a-1); and

17 (2) [~~if~~] the court in which the criminal case is
18 pending or in which the defendant was convicted or placed on
19 deferred adjudication community supervision, as applicable, finds
20 that the defendant is a veteran or current member of the United
21 States armed forces, including a member of the reserves, national
22 guard, or state guard, who:

23 (A) [~~(1)~~] suffers from a brain injury, mental
24 illness, or mental disorder, including post-traumatic stress

1 disorder, or was a victim of military sexual trauma if the injury,
2 illness, disorder, or trauma:

3 (i) [~~(A)~~] occurred during or resulted from
4 the defendant's military service; and

5 (ii) [~~(B)~~] affected the defendant's
6 criminal conduct at issue in the case; or

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

13 (a-1) If an attorney representing the state does not consent
14 to a defendant's participation in a veterans treatment court
15 program under Subsection (a)(1), the defendant may file a motion
16 requesting the court in which the criminal case is pending or in
17 which the defendant was convicted or placed on deferred
18 adjudication community supervision, as applicable, to review the
19 decision of the attorney representing the state. If the court finds
20 that the defendant otherwise meets the eligibility requirements
21 described by Subsection (a)(2), the court may allow the defendant
22 to participate in the program.

23 SECTION 2. The change in law made by this Act applies only
24 to a criminal case that is pending on or commences on or after the
25 effective date of this Act.

26 SECTION 3. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2023.