

AN ACT

relating to the redesignation of veterans court programs as veterans treatment court programs and the eligibility for participation in and administration of those programs.

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

SECTION 1. The heading to Chapter 124, Government Code, is amended to read as follows:

CHAPTER 124. VETERANS TREATMENT COURT PROGRAM

SECTION 2. Section 124.001, Government Code, is amended to read as follows:

Sec. 124.001. VETERANS TREATMENT COURT PROGRAM DEFINED; PROCEDURES FOR CERTAIN DEFENDANTS. (a) In this chapter, "veterans treatment court program" means a program that has the following essential characteristics:

(1) the integration of services in the processing of cases in the judicial system;

(2) the use of a nonadversarial approach involving prosecutors and defense attorneys to promote public safety and to protect the due process rights of program participants;

(3) early identification and prompt placement of eligible participants in the program;

(4) access to a continuum of alcohol, controlled substance, mental health, and other related treatment and rehabilitative services;

1 (5) careful monitoring of treatment and services
2 provided to program participants;

3 (6) a coordinated strategy to govern program responses
4 to participants' compliance;

5 (7) ongoing judicial interaction with program
6 participants;

7 (8) monitoring and evaluation of program goals and
8 effectiveness;

9 (9) continuing interdisciplinary education to promote
10 effective program planning, implementation, and operations; and

11 (10) development of partnerships with public agencies
12 and community organizations, including the United States
13 Department of Veterans Affairs.

14 (b) If a defendant successfully completes a veterans
15 treatment court program [~~as authorized under Section 76.011~~], after
16 notice to the attorney representing the state and a hearing in the
17 veterans treatment court at which that court determines that a
18 dismissal is in the best interest of justice, the court in which the
19 criminal case is pending shall dismiss the case [~~criminal action~~]
20 against the defendant.

21 SECTION 3. Section [124.002](#), Government Code, is amended by
22 amending Subsections (a) and (b) and adding Subsection (d) to read
23 as follows:

24 (a) The commissioners court of a county may establish a
25 veterans treatment court program for persons arrested for or
26 charged with any misdemeanor or felony offense. A defendant is
27 eligible to participate in a veterans treatment court program

1 established under this chapter only if the attorney representing
2 the state consents to the defendant's participation in the program
3 and if the court in which the criminal case is pending finds that
4 the defendant[+]

5 (1) is a veteran or current member of the United
6 States armed forces, including a member of the reserves, national
7 guard, or state guard, who:

8 (1) [~~and (2)~~] suffers from a brain injury, mental
9 illness, or mental disorder, including post-traumatic stress
10 disorder, or was a victim of military sexual trauma that:

11 (A) occurred during or resulted from the
12 defendant's military service [~~in a combat zone or other similar~~
13 ~~hazardous duty area~~]; and

14 (B) [~~materially~~] affected the defendant's
15 criminal conduct at issue in the case; or

16 (2) is a defendant whose participation in a veterans
17 treatment court program, considering the circumstances of the
18 defendant's conduct, personal and social background, and criminal
19 history, is likely to achieve the objective of ensuring public
20 safety through rehabilitation of the veteran in the manner provided
21 by Section 1.02(1), Penal Code.

22 (b) The court in which the criminal case is pending shall
23 allow an eligible defendant to choose whether to proceed through
24 the veterans treatment court program or otherwise through the
25 criminal justice system.

26 (d) In this section, "military sexual trauma" means any
27 sexual assault or sexual harassment that occurs while the victim is

1 a member of the United States armed forces performing the person's
2 regular duties.

3 SECTION 4. The heading to Section 124.003, Government Code,
4 is amended to read as follows:

5 Sec. 124.003. DUTIES OF VETERANS TREATMENT COURT PROGRAM.

6 SECTION 5. Section 124.003, Government Code, is amended by
7 amending Subsections (a) and (b) and adding Subsection (b-1) to
8 read as follows:

9 (a) A veterans treatment court program established under
10 this chapter must:

11 (1) ensure that a defendant [~~person~~] eligible for
12 participation in the program is provided legal counsel before
13 volunteering to proceed through the program and while participating
14 in the program;

15 (2) allow a participant to withdraw from the program
16 at any time before a trial on the merits has been initiated;

17 (3) provide a participant with a court-ordered
18 individualized treatment plan indicating the services that will be
19 provided to the participant; and

20 (4) ensure that the jurisdiction of the veterans
21 treatment court continues for a period of not less than six months
22 but does not continue beyond the period of community supervision
23 for the offense charged.

24 (b) A veterans treatment court program established under
25 this chapter shall make, establish, and publish local procedures to
26 ensure maximum participation of eligible defendants in the county
27 or counties in which those defendants reside.

1 (b-1) A veterans treatment court program may allow a
2 participant to comply with the participant's court-ordered
3 individualized treatment plan or to fulfill certain other court
4 obligations through the use of videoconferencing software or other
5 Internet-based communications.

6 SECTION 6. Section 124.004, Government Code, is amended to
7 read as follows:

8 Sec. 124.004. ESTABLISHMENT OF REGIONAL PROGRAM. (a) The
9 commissioners courts of two or more counties may elect to establish
10 a regional veterans treatment court program under this chapter for
11 the participating counties.

12 (b) For purposes of this chapter, each county that elects to
13 establish a regional veterans treatment court program under this
14 section is considered to have established the program and is
15 entitled to retain fees under Article 102.0178, Code of Criminal
16 Procedure, in the same manner as if the county had established a
17 veterans treatment court program without participating in a
18 regional program.

19 SECTION 7. Section 124.005(a), Government Code, is amended
20 to read as follows:

21 (a) A veterans treatment court program established under
22 this chapter may collect from a participant in the program:

- 23 (1) a reasonable program fee not to exceed \$1,000; and
24 (2) a testing, counseling, and treatment fee in an
25 amount necessary to cover the costs of any testing, counseling, or
26 treatment performed or provided under the program.

27 SECTION 8. Chapter 124, Government Code, is amended by

1 adding Section 124.006 to read as follows:

2 Sec. 124.006. COURTESY SUPERVISION. (a) A veterans
3 treatment court program that accepts placement of a defendant may
4 transfer responsibility for supervising the defendant's
5 participation in the program to another veterans treatment court
6 program that is located in the county where the defendant works or
7 resides. The defendant's supervision may be transferred under this
8 section only with the consent of both veterans treatment court
9 programs and the defendant.

10 (b) A defendant who consents to the transfer of the
11 defendant's supervision must agree to abide by all rules,
12 requirements, and instructions of the veterans treatment court
13 program that accepts the transfer.

14 (c) If a defendant whose supervision is transferred under
15 this section does not successfully complete the program, the
16 veterans treatment court program supervising the defendant shall
17 return the responsibility for the defendant's supervision to the
18 veterans treatment court program that initiated the transfer.

19 (d) If a defendant is charged with an offense in a county
20 that does not operate a veterans treatment court program, the court
21 in which the criminal case is pending may place the defendant in a
22 veterans treatment court program located in the county where the
23 defendant works or resides, provided that a program is operated in
24 that county and the defendant agrees to the placement. A defendant
25 placed in a veterans treatment court program in accordance with
26 this subsection must agree to abide by all rules, requirements, and
27 instructions of the program.

1 SECTION 9. Section 54.976(a), Government Code, is amended
2 to read as follows:

3 (a) A judge may refer to a magistrate any criminal case or
4 matter relating to a criminal case for proceedings involving:

5 (1) a negotiated plea of guilty or no contest and
6 sentencing;

7 (2) a pretrial motion;

8 (3) an examining trial;

9 (4) a writ of habeas corpus;

10 (5) a bond forfeiture suit;

11 (6) issuance of search warrants;

12 (7) setting, setting conditions, modifying, revoking,
13 and surrendering of bonds, including surety bonds;

14 (8) arraignment of defendants;

15 (9) a motion to increase or decrease a bond;

16 (10) a motion to revoke community supervision or to
17 proceed to an adjudication;

18 (11) an issue of competency or a civil commitment
19 under Chapter 46, 46B, or 46C, Code of Criminal Procedure, with or
20 without a jury;

21 (12) a motion to modify community supervision;

22 (13) specialty court proceedings, including drug
23 court proceedings, veterans treatment [~~veteran's~~] court
24 proceedings, and driving while intoxicated court proceedings;

25 (14) an expunction or a petition for nondisclosure;

26 (15) an occupational driver's license;

27 (16) a waiver of extradition;

1 (17) the issuance of subpoenas and orders requiring
2 the production of medical records, including records relating to
3 mental health or substance abuse treatment; and

4 (18) any other matter the judge considers necessary
5 and proper.

6 SECTION 10. Section 103.0271, Government Code, is amended
7 to read as follows:

8 Sec. 103.0271. ADDITIONAL MISCELLANEOUS FEES AND COSTS:
9 GOVERNMENT CODE. Fees and costs shall be paid or collected under
10 the Government Code as follows:

11 (1) a program fee for a drug court program (Sec.
12 123.004, Government Code) . . . not to exceed \$1,000;

13 (2) an alcohol or controlled substance testing,
14 counseling, and treatment fee (Sec. 123.004, Government
15 Code) . . . the amount necessary to cover the costs of testing,
16 counseling, and treatment;

17 (3) a reasonable program fee for a veterans treatment
18 court program (Sec. 124.005, Government Code) . . . not to exceed
19 \$1,000; and

20 (4) a testing, counseling, and treatment fee for
21 testing, counseling, or treatment performed or provided under a
22 veterans treatment court program (Sec. 124.005, Government
23 Code) . . . the amount necessary to cover the costs of testing,
24 counseling, or treatment.

25 SECTION 11. Section 772.0061(a)(2), Government Code, as
26 amended by Chapters 747 (S.B. 462) and 1167 (S.B. 484), Acts of the
27 83rd Legislature, Regular Session, 2013, is reenacted and amended

1 to read as follows:

2 (2) "Specialty court" means:

3 (A) a prostitution prevention program
4 established under Chapter 169A, Health and Safety Code;

5 (B) a family drug court program established under
6 Chapter 122 or former law;

7 (C) [~~(B)~~] a drug court program established under
8 Chapter 123 or former law;

9 (D) [~~(C)~~] a veterans treatment court program
10 established under Chapter 124 or former law; and

11 (E) [~~(D)~~] a mental health court program
12 established under Chapter 125 or former law.

13 SECTION 12. (a) The change in law made by this Act by
14 amending Section 124.002, Government Code, applies to a person who,
15 on or after the effective date of this Act, enters a veterans
16 treatment court program under Chapter 124, Government Code,
17 regardless of whether the person committed the offense for which
18 the person enters the program before, on, or after the effective
19 date of this Act.

20 (b) The change in law made by this Act in adding Section
21 124.006, Government Code, applies to a person who, on or after the
22 effective date of this Act, is under the supervision of a veterans
23 treatment court program.

24 SECTION 13. To the extent of any conflict, this Act prevails
25 over another Act of the 84th Legislature, Regular Session, 2015,
26 relating to nonsubstantive additions to and corrections in enacted
27 codes.

1 SECTION 14. This Act takes effect September 1, 2015.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1474 passed the Senate on April 30, 2015, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 29, 2015, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1474 passed the House, with amendment, on May 26, 2015, by the following vote: Yeas 140, Nays 5, three present not voting.

Chief Clerk of the House

Approved:

Date

Governor