

By: Garcia, et al.  
(Farias)

S.B. No. 1474

Substitute the following for S.B. No. 1474:

By: Blanco

C.S.S.B. No. 1474

A BILL TO BE ENTITLED

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

adding Section 124.006 to read as follows:

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

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

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

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

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

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

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

(2) a pretrial motion;

(3) an examining trial;

(4) a writ of habeas corpus;

(5) a bond forfeiture suit;

(6) issuance of search warrants;

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

(8) arraignment of defendants;

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

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

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

(12) a motion to modify community supervision;

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

(14) an expunction or a petition for nondisclosure;

(15) an occupational driver's license;

(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



to read as follows:

(2) "Specialty court" means:

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

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

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

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

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

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

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

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

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