

By: Garcia

S.B. No. 1474

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility for participation in veterans court programs.

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

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

(a) The commissioners court of a county may establish a veterans court program for persons arrested for or charged with any misdemeanor or felony offense. A defendant is eligible to participate in a veterans 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 finds that the defendant[+]

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

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

(B) ~~[materially]~~ affected the defendant's

1 criminal conduct at issue in the case; or

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

8 (d) In this section, "military sexual trauma" means a brain  
9 injury, mental illness, or mental disorder that, in the opinion of a  
10 mental health professional, resulted from a physical assault of a  
11 sexual nature, a battery of a sexual nature, or an instance of  
12 sexual harassment that occurred while the veteran was serving on  
13 active duty, active duty for training, or inactive duty training.

14 SECTION 2. This Act takes effect September 1, 2015.