

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:

(1) the defendant:

(A) ~~[(1)]~~ is a veteran or current member of the United States armed forces, including a member of the reserves, national guard, or state guard; and

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

(i) occurred during or ~~[(A)]~~ resulted from the defendant's military service ~~[in a combat zone or other similar~~

1 ~~hazardous duty area~~]; and

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

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

10                           (d) In this section, "military sexual trauma" means any  
11 sexual assault or sexual harassment that occurs while the victim is  
12 a member of the United States armed forces performing the person's  
13 regular duties.

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