

BILL ANALYSIS

C.S.H.B. 2911
By: Lucio III
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that veterans who are placed on deferred adjudication community supervision for or convicted of a misdemeanor offense would benefit from the creation of a veterans reemployment program that provides education and training to veterans with the goal that the veterans become gainfully employed. C.S.H.B. 2911 seeks to provide for the creation of such a program.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2911 amends the Code of Criminal Procedure to provide for the creation of a veterans reemployment program to provide education and training to veterans with the goal that the veterans become gainfully employed. The bill makes a defendant placed on deferred adjudication community supervision for or convicted of a misdemeanor offense eligible to participate in such a program if the defendant is a veteran of the U.S. armed forces. The bill requires the judge granting community supervision to such a defendant to inform the defendant of the defendant's eligibility for the program but prohibits the judge from requiring the defendant to participate in the program. The bill authorizes a judge to additionally impose any condition of community supervision that the judge is authorized to impose on a defendant who chooses to participate in the program. The bill's provisions governing the program apply only to a person placed on community supervision, including deferred adjudication community supervision, on or after January 1, 2018.

C.S.H.B. 2911 requires a program participant to diligently attend certain workforce development education and training courses as directed by the court and requires the courses to focus on providing a participant with useful workplace skills most likely to lead to gainful employment by the participant. The bill authorizes the courses to be individualized based on any physical or intellectual limitations of the participant. The bill establishes that a participant successfully completes the program if the participant completes the education and training courses required by the court and obtains employment and retains that employment for three continuous months, diligently searches for employment for a continuous period of six months, or is determined by the court to be unemployable because of a disability. The bill prohibits the judge from revoking the community supervision of a defendant who fails to complete the program but authorizes the judge to modify the conditions and extend the period of community supervision for a defendant

who fails to complete the program.

C.S.H.B. 2911 amends the Government Code to require the court, after notice to the state and a hearing on whether issuance of an order of nondisclosure is in the best interest of justice, to enter an order of nondisclosure with respect to all records of an offense for which a defendant was convicted or placed on deferred adjudication community supervision on successful completion of the veterans reemployment program and all other conditions of the defendant's community supervision, regardless of whether the defendant meets the eligibility criteria for such an order.

C.S.H.B. 2911 amends the Labor Code to require the Texas Workforce Commission, not later than January 1, 2018, to develop or approve education and training courses to assist veterans convicted of or placed on deferred adjudication community supervision for a misdemeanor offense in obtaining workforce skills and becoming gainfully employed. The bill requires the courses to provide instruction in workforce skills appropriate for veterans with disabilities.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2911 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Chapter 42A, Code of Criminal Procedure, is amended by adding Subchapter H-1 to read as follows:

SUBCHAPTER H-1. VETERANS REEMPLOYMENT PROGRAM

Art. 42A.381. VETERANS REEMPLOYMENT PROGRAM.

Art. 42A.382. ELIGIBILITY.

Art. 42A.383. EDUCATION AND TRAINING COURSES.

Art. 42A.384. FEE. (a) A fee may be assessed for participation in the education and training courses in an amount sufficient to cover the cost of providing the courses.

(b) If the court determines the defendant is indigent, the court may reduce or waive the fee.

Art. 42A.385. COMPLETION OF PROGRAM.

Art. 42A.386. FAILURE TO COMPLETE PROGRAM.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Chapter 42A, Code of Criminal Procedure, is amended by adding Subchapter H-1 to read as follows:

SUBCHAPTER H-1. VETERANS REEMPLOYMENT PROGRAM

Art. 42A.381. VETERANS REEMPLOYMENT PROGRAM.

Art. 42A.382. ELIGIBILITY.

Art. 42A.383. EDUCATION AND TRAINING COURSES.

Art. 42A.384. COMPLETION OF PROGRAM.

Art. 42A.385. FAILURE TO COMPLETE PROGRAM.

SECTION 2. Subchapter E-1, Chapter 411, Government Code, is amended.

SECTION 2. Same as introduced version.

SECTION 3. Subtitle B, Title 4, Labor Code, is amended.

SECTION 3. Same as introduced version.

SECTION 4. Not later than January 1, 2018, the Texas Workforce Commission shall develop or approve education and training courses as required under Chapter 316, Labor Code, as added by this Act.

SECTION 4. Same as introduced version.

SECTION 5. Subchapter H-1, Chapter 42A, Code of Criminal Procedure, applies only to a person placed on community supervision, including deferred adjudication community supervision, on or after January 1, 2018.

SECTION 5. Same as introduced version.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

SECTION 6. Same as introduced version.