

BILL ANALYSIS

Senate Research Center
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S.B. 1474
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

More than 1.6 million veterans live in Texas. Some veterans have difficulty transitioning from military service to everyday life and suffer from conditions such as addiction and post-traumatic stress disorder. These ailments often lead to negative consequences including unemployment, homelessness, and criminal convictions.

Since 2009 Texas has led the nation in creating specialized veterans courts. These special court dockets provide structured treatment and accountability for veterans in an effort to keep them out of the criminal justice system. There are currently 20 veterans courts in the state.

Under current statute, only veterans who have served in a combat zone or other similar hazardous duty area are eligible to participate in a veterans court. Some veterans, although they have not seen actual combat, may experience other traumas as part of their service such as a shooting or sexual assault, but under current statute would be ineligible to enter a veterans court treatment program.

S.B. 1474 broadens the eligibility for veteran participation in veterans courts.

As proposed, S.B. 1474 amends current law relating to the eligibility for participation in veterans court programs.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

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

(a) Provides that 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) 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) 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:

(i) occurred during or resulted from the defendant's military service, rather than resulted from the defendant's military service in a combat zone or other similar hazardous duty area; and

(ii) affected the defendant's criminal conduct at issue in the case, rather than materially affected the defendant's criminal conduct at issue in the case; or

(2) considering the circumstances of the defendant's conduct, personal and social background, and criminal history, the defendant's participation in a veterans court program is likely to achieve the objective of ensuring public safety through rehabilitation of the veteran in the manner provided by Section 1.02(1) (providing that the intention of the provisions of this code is to insure the public safety through the deterrent influence of the penalties provided, the rehabilitation of those convicted of violations of this code, and such punishment as may be necessary to prevent likely recurrence of criminal behavior, among other enumerated objectives), Penal Code.

Makes nonsubstantive changes.

(d) Defines "military sexual trauma" in this section.

SECTION 2. Effective date: September 1, 2015.