

BILL ANALYSIS

Senate Research Center
85R19219 JSC-D

H.B. 2911
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Criminal Justice
5/18/2017
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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. H.B. 2911 provides for the creation of such a program.

H.B. 2911 amends current law relating to a reemployment program as a condition of community supervision for certain veterans who commit a misdemeanor offense.

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 Chapter 42A, Code of Criminal Procedure, by adding Subchapter H-1, as follows:

SUBCHAPTER H-1. VETERANS REEMPLOYMENT PROGRAM

Art. 42A.381. VETERANS REEMPLOYMENT PROGRAM. Defines "veterans reemployment program."

Art. 42A.382. ELIGIBILITY. (a) Provides that a defendant placed on deferred adjudication community supervision for or convicted of a misdemeanor offense is eligible to participate in a veterans reemployment program established under this subchapter if the defendant is a veteran of the United States armed forces, including a member of the reserves, national guard, or state guard.

(b) Requires the judge granting community supervision to a defendant described by Subsection (a) 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.

(c) Authorizes a judge to additionally impose any condition of community supervision that the judge is authorized to impose under this chapter on a defendant who chooses to participate in the program under this subchapter.

Art. 42A.383. EDUCATION AND TRAINING COURSES. (a) Requires a participant in the program to diligently attend workforce development education and training courses developed or approved by the Texas Workforce Commission (TWC) under Chapter 316, Labor Code, as directed by the court.

(b) Requires that the education and training courses under this article focus on providing a participant with useful workplace skills most likely to lead to gainful employment by the participant.

(c) Authorizes the education and training courses to be individualized based on any physical or intellectual limitations of the participant.

Art. 42A.384. **COMPLETION OF PROGRAM.** Provides that a participant successfully completes the veterans reemployment 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.

Art. 42A.385. **FAILURE TO COMPLETE PROGRAM.** (a) Prohibits the judge from revoking the community supervision of a defendant who fails to complete the program under this subchapter.

(b) Authorizes the judge, if the defendant fails to complete the program under this subchapter, to:

(1) modify the defendant's conditions of community supervision; and

(2) extend the period of community supervision so that the defendant may comply with the conditions under Subdivision (1).

SECTION 2. Amends Subchapter E-1, Chapter 411, Government Code, by adding Section 411.0729, as follows:

Sec. 411.0729. **PROCEDURE FOR CERTAIN VETERANS.** Requires the court, on successful completion of the veterans reemployment program created under Subchapter H-1, Chapter 42A, Code of Criminal Procedure, and all other conditions of the defendant's community supervision, regardless of whether the defendant meets the eligibility criteria under this subchapter, 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 the offense for which the defendant was convicted or placed on deferred adjudication community supervision.

SECTION 3. Amends Subtitle B, Title 4, Labor Code, by adding Chapter 316, as follows:

CHAPTER 316. VETERANS REEMPLOYMENT EDUCATION AND TRAINING COURSES

Sec. 316.001. **VETERANS REEMPLOYMENT PROGRAM.** Defines "veterans reemployment program."

Sec. 316.002. **EDUCATION AND TRAINING COURSES.** (a) Requires TWC to develop or approve education and training courses to assist veterans convicted of or placed on deferred adjudication community supervision for a misdemeanor offense under Subchapter H-1, Chapter 42A, Code of Criminal Procedure, in obtaining workforce skills and becoming gainfully employed.

(b) Requires that the education and training courses provide instruction in workforce skills appropriate for veterans with disabilities.

SECTION 4. Requires TWC, not later than January 1, 2018, to develop or approve education and training courses as required under Chapter 316, Labor Code, as added by this Act.

SECTION 5. Provides that 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 6. Effective date: upon passage or September 1, 2017.