

SUBJECT: Veterans treatment court programs and program functions

COMMITTEE: Defense and Veterans' Affairs — committee substitute recommended

VOTE: 5 ayes — S. King, Frank, Aycock, Blanco, Farias

1 nay — Shaheen

1 absent — Schaefer

SENATE VOTE: On final passage, April 30 — 31-0, on local and uncontested calendar

WITNESSES: For — (*Registered, but did not testify:* Seth Mitchell, Bexar County Commissioners Court; Mary Covington, Harris County Veterans' Treatment Court; Bill Kelly, Mental Health America of Greater Houston; Laura Austin and Greg Hansch, National Alliance on Mental Illness (NAMI) Texas; Jim Brennan, Texas Coalition of Veterans Organizations; Lashondra Jones, Texas Criminal Justice Coalition; Kate Murphy, Texas Public Policy Foundation; Conrad John, Travis County Commissioners Court)

Against — None

On — Megan LaVoie, Office of Court Administration

BACKGROUND: Government Code, sec. 124.001 governs the veterans court program, which was established in 2009 through the enactment of SB 1940 by Van de Putte. This specialty court program is designed integrate mental health and substance abuse treatment with other strategies to address underlying problems that cause criminal behavior in an attempt to reduce recidivism among military veterans charged with certain crimes.

DIGEST: CSSB 1474 would change the name of the program from “veterans court program” to “veterans treatment court program” and would amend various program provisions.

Program eligibility and participation. The bill would remove the requirement that an injury, illness, disorder, or trauma qualifying the defendant for the veterans treatment court program have resulted from service “in a combat zone or other similar hazardous duty area.” It would add that defendants could be eligible to participate in the program if the court found that they were victims of “military sexual trauma” — i.e., sexual assault or sexual harassment that occurred while the victim was a member of the armed forces performing the person’s regular duties.

A defendant also could be eligible if, considering his or her background, the defendants’ participation in the program could help ensure public safety through rehabilitation of the veteran.

The veterans treatment court program could allow participants to comply with their ordered treatment plans or other court obligations through videoconferencing or other internet-based communication.

These changes to program eligibility and participation would apply only to a person who entered a veterans treatment court program on or after the effective date of the bill, regardless of whether the person committed the offense for which they entered the program before, on, or after that date.

Defendant supervision. CSSB 1474 also would allow a veterans treatment court program to transfer the responsibility for supervising a defendant’s participation in the program to another veterans treatment court program located in the county where the defendant worked or resided. To transfer supervision, both court programs and the defendant would have to consent.

If a defendant whose supervision was transferred did not complete the program, the supervising court program would return the responsibility for the defendant’s supervision to the court program that initiated the transfer. If the defendant was charged with an offense in a county where there was no veterans treatment court program, then the court where the criminal case was pending could place the defendant in a program located in the county where the defendant worked or resided, if the defendant agreed.

These provisions regarding courtesy supervision of defendants would apply only to a person who was under the supervision of a veterans treatment court program on or after the effective date of the bill.

To the extent of any conflict, CSSB 1474 would prevail over any bill enacted by the 84th Legislature relating to non-substantive additions to and corrections in enacted codes.

This bill would take effect September 1, 2015.

**SUPPORTERS
SAY:**

CSSB 1474 would address the specific needs of military veterans and provide eligible veterans an alternative to incarceration. Many of these veterans are dealing with drug or alcohol dependence and may require special care in the criminal justice system.

The bill would provide the courts with more flexibility over who was admitted into the program by removing the requirement that any illness or injury have occurred “in a combat zone or other similar hazardous duty area.” The bill also would expand who would be eligible for the program by adding victims of military sexual trauma.

The court program would not order any veteran to take medications. The court could order only that veterans in the program comply with services ordered by the Department of Veterans Affairs’ hospitals or treatment centers. Many times the orders enforced do not include medication but are orders for counseling programs. Any recommendations for hospital treatment would be done only through the recommendations of a Department of Veterans Affairs counselor or other local counselor outside of the court’s purview.

**OPPONENTS
SAY:**

CSSB 1474 would expand a separate justice system for veterans that could lead to court orders for veterans to take medications for mental illnesses and trauma when they might not need medication to deal with their suffering. The bill would apply to veterans or current military members who suffered from a brain injury, mental disorder, chemical

dependency, or military sexual trauma. These individuals can be more vulnerable to court orders requiring medication or hospitalization for treatment.