

- SUBJECT:** Recognizing LGBTQ veterans as honorably discharged
- COMMITTEE:** Defense and Veterans' Affairs — committee substitute recommended
- VOTE:** 7 ayes — Raymond, Buckley, Biedermann, Gervin-Hawkins, Lambert, Lopez, E. Morales
- 1 nay — Tinderholt
- 1 absent — Cyrier
- WITNESSES:** For — James Kane, Bexar County Democratic Party; Mitch Fuller, Texas Veterans of Foreign Wars; Ricardo Martinez, Equality Texas; Jennifer Dane, Modern Military Association of America; Steven Price, The Voices of Our Veterans and Texas Democratic Veterans Caucus; Noel Freeman; Andrea Garcia; Emmett Schelling; (*Registered, but did not testify*: Bill Kelly, Mayor's Office, City of Houston; Joshua Houston, Texas Impact; and six individuals)
- Against — Jonathan Covey, Texas Values Action; (*Registered, but did not testify*: Gregory McCarthy, Texas Values Action)
- On — Thomas Palladino, Texas Veterans Commission
- BACKGROUND:** Interested parties note that after the enactment of the "Don't Ask, Don't Tell" policy in 1994, service members were expelled from the military with a dishonorable discharge classification due to sexual orientation, which prevented veterans from accessing crucial benefits. Some have suggested that although the policy was repealed in 2011, some veterans may be unable to navigate the bureaucracy to appeal the dishonorable discharge and that this challenge should be addressed by automatically granting Texas veterans affected by the policy an honorable discharge classification and reinstatement of benefits earned for their service.
- DIGEST:** CSHB 4243 would establish that the state would recognize a person as having been honorably discharged from active military service if:

- according to the person's military discharge record, the person was dishonorably discharged, or resigned, retired, or otherwise separated from active military service on the basis of the person's sexual orientation; and
- based on any previous characterization of service, the person would have otherwise received a more favorable character of discharge.

A person would be considered to have been dishonorably discharged or to have resigned, retired, or otherwise separated from active military service on the basis of the person's sexual orientation if:

- any of the separation codes listed in the bill appeared on the person's DD Form 214 (Certificate of Release of Discharge from Active Duty) and represented a ground on which the person was released or discharged from the U.S. armed forces; or
- any other ground for release or discharge from active military service based on sexual orientation, including a predecessor or successor to a separation code listed in the bill, appeared on the person's military discharge record.

A person recognized as having been honorably discharged under the bill would be entitled to all benefits, rights, privileges, and immunities provided by the state or under state law to an honorably discharged veteran.

For purposes of this bill, an agency or officer of the state would have to accept certain copies of a person's DD Form 214 as specified in the bill.

The bill would take effect September 1, 2021.