

## **BILL ANALYSIS**

Senate Research Center  
85R10747 LHC-D

S.B. 1844  
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Criminal Justice  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

There are currently 29 veterans treatment courts (VTC) across Texas designed to assist eligible veteran defendants. An eligible veteran includes those who suffer traumatic brain injuries, post-traumatic stress disorder, other mental disorders, or were victims of sexual trauma resulting from their military service.

The purpose of these courts is to rehabilitate veterans by providing them with the tools to lead a law-abiding and productive lifestyle. VTCs have shown a high level of success in preventing recidivism, with Travis County reporting that 83 percent of their VTC graduates are not re-arrested.

S.B. 1844 permits veterans who have successfully completed treatment through a VTC to petition for non-disclosure of their offense as long as the defendant has never been convicted of a violent or sexually violent offense, is not convicted of a felony offense between the program graduation date and the second anniversary of that date, and was not convicted of an offense that involved the operation of a motor vehicle while intoxicated (DWI).

The non-disclosure agreements remain visible to law enforcement officers, but do not have to be disclosed to employers, providing greater opportunities for the veteran to find long-term employment and seek financial stability.

As written, S.B. 1844 amends Section 124, Government Code, to assist veteran defendants who have completed a VTC program.

As proposed, S.B. 1844 amends current law relating to the administration of and eligibility for participation in a veterans treatment court program and the issuance of orders of nondisclosure for certain participants who successfully complete that program.

### **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 124.001, Government Code, by amending Subsection (b) and adding Subsections (c) and (d), as follows:

(b) Requires a certain court, if a defendant who was arrested for or charged with, but not convicted of or placed on deferred adjudication community supervision for, an offense successfully completes a veterans treatment court program, to after certain notice and a certain hearing, to dismiss the case against the defendant.

(c) Requires the court to, regardless of whether the defendant is later convicted of or placed on deferred adjudication community supervision for the offense for which the defendant entered the veterans treatment court program, if a defendant described by Subsection (b) successfully completes a veterans treatment court program and the case is not dismissed under that subsection, after notice to the state and a hearing on whether the

defendant is otherwise entitled to the petition and whether issuance of the order is in the best interest of justice, enter an order of nondisclosure of criminal history record information under Subchapter E-1 (Order of Nondisclosure of Criminal History Record Information), Chapter 411 (Department of Public Safety of the State of Texas), with respect to all records and files related to the defendant's arrest for the offense for which the defendant entered the program if the defendant meets certain conditions.

(d) Provides that a defendant who successfully completes a veterans treatment court program as a result of receiving a conviction or deferred adjudication community supervision for an offense is entitled to petition for an order of nondisclosure of criminal history record information as described by Subsection (c), except that a defendant is not entitled to petition the court for an order of nondisclosure if the defendant's entry into the veterans treatment court program arose as the result of a conviction for an offense involving the operation of a motor vehicle while intoxicated.

SECTION 2. Amends Sections 124.002(a) and (c), Government Code, as follows:

(a) Authorizes the commissioners court of a county to establish a certain program for persons arrested for, charged with, convicted of, or placed on deferred adjudication community supervision for, rather than arrested for or charged with, any misdemeanor or felony case. Provides that a defendant is eligible to participate in a veterans treatment court program established under this chapter only if certain conditions are met, including if the court in which the defendant was convicted or placed on deferred adjudication community supervision, as applicable, finds certain facts.

(c) Authorizes certain proof of matters to be submitted to the applicable criminal court, rather than the court in which the criminal case is pending, in any form the court determines to be appropriate.

SECTION 3. Amends Section 124.003(a), Government Code, as follows:

(a) Requires a veterans treatment court program established under this chapter to:

(1) if there has not yet been a disposition in the criminal case, ensure that a defendant eligible for participation in the program is provided legal counsel before volunteering to proceed through the program and while participating in the program;

(2) allow a participant arrested for or charged with an offense, rather than a participant, to withdraw from the program at any time before a trial on the merits has been initiated;

(3) and (4) makes no changes to these subdivisions.

SECTION 4. Provides that the change in law made by this Act by adding Sections 124.001(c) and (d), Government Code, and amending Section 124.002, Government Code, applies to a person who, on or after the effective date of this Act, enters a veterans treatment court program under Chapter 124, Government Code, regardless of whether the person committed the offense for which the person enters the program before, on, or after the effective date of this Act.

SECTION 5. Effective date: September 1, 2017.