

Expanding placement options for veterans treatment court programs

HB 2481 by Metcalf (Creighton)

Digest

HB 2481 would have allowed veterans treatment court programs to transfer the supervision of a defendant's case to a program in a county adjacent to the county in which the defendant worked or resided. If a defendant was charged with an offense in a county that did not operate a veterans court program, the court in which the criminal case was pending could have placed the defendant in a program in a county adjacent to where the defendant worked or resided.

The bill also would have allowed the commissioners court of a county to establish a juvenile family drug court program for individuals suspected of having a substance abuse problem by the Department of Family and Protective Services or a court and who resided in the home of a child subject to a case in the juvenile justice system. Under the bill, a juvenile family drug court program would have included integrated substance abuse treatment services in the processing of these cases and the use of a comprehensive case management approach, among other elements. Such programs also would have included the early identification and placement of eligible individuals who volunteered to participate.

Governor's reason for veto

"House Bill 2481, as passed by the House, represented an improvement in access to specialty treatment courts for our Texas veterans. Unfortunately, a last-minute amendment was added in the Senate and would create a juvenile family drug court program that is entirely different and unrelated. This new program would authorize a court to exercise jurisdiction over an individual who has never been charged with any crime, but who resides in the home of a child subject to a case under Title 3 of the Family Code and who is suspected by the Department of Family and Protective Services of having a substance abuse problem. The lack of due-process protections is unacceptable. Next session, I look forward

to increasing the ability of our Texas veterans to access treatment without this concerning program attached."

Response

Rep. Will Metcalf, the bill's author, said: "House Bill 2481, as it passed the House, would have made much needed improvements to Veterans Treatment Court programs. When the bill went over to the Senate it was amended to add language from SB 997 and HB 2688, a Juvenile Family Court bill. While I acknowledge that the Senate amendment, creating a similar treatment court for family members who live with a juvenile who is the subject of a juvenile justice case, is not germane under the House rules, the enrolled version page 2, lines 22 and 23, clearly state that an essential characteristic of such a program is early identification of those who are eligible *and* volunteer to participate. The program is clearly voluntary in nature, and therefore would not constitute a violation of due process. I believe that had this legislation, in its stand-alone form, been vetted by both chambers, it could have been made crystal clear that this program is voluntary on the part of the participant. I look forward to making sure that Veteran Treatment Court improvements and access to treatment for family members of at risk juveniles are passed next session."

Sen. Brandon Creighton, the Senate sponsor, had no comment on the veto.

Notes

The HRO analysis of [HB 2481](#) appeared in Part Two of the April 29 *Daily Floor Report*.