

Telling arrestees of military enlistment consequences of guilty, no contest pleas

HB 929 by Anchia (Watson)

Digest

HB 929 would have required a magistrate to inform an arrested person brought before the magistrate within 48 hours of arrest that a plea of guilty or no contest for the charged offense could affect the person's eligibility for enlistment or re-enlistment in the U.S. armed forces or could result in the person's discharge from the U.S. armed forces if the person was a member.

Governor's reason for veto

"Under current law, a magistrate must inform an arrested person of important constitutional protections, such as the right to counsel. House Bill 929 would have added yet more recitations about non-constitutional matters, making these magistrations warnings less helpful to arrestees. Magistrations should focus arrestees on exercising their constitutional rights at the beginning of the criminal justice process."

Response

Rep. Rafael Anchia, the bill's author, said: "As Texans, we value our individual liberties. The Sixth Amendment serves as a constitutional protection to those fundamental rights."

"The Texas Code of Criminal Procedure recognizes these protections and requires magistrates to warn individuals, in all felony proceedings, of the implications of a guilty or no contest plea."

"However, admonishments related to pleas on military status are not required for felony or misdemeanor cases, even though a plea may lead to collateral consequences associated with enlistment, re-enlistment, or even punitive discharge from the armed services, which can be grounds for losing veteran's mental and medical health benefits."

"HB 929 sought to do one simple thing: protect our men and women in uniform by ensuring they are fully informed of the consequences of their plea, and its effect on their military status."

Sen. Kirk Watson, the Senate sponsor, said: "Although not a constitutional matter, knowing how one's plea of guilty or no contest could impact their military status is of utmost importance. I believe this warrants our attention, and we owe it to those who serve this country to ensure they are given all necessary information early in the legal process in order to make informed decisions."

Notes

[HB 929](#) was digested in the April 11 *Daily Floor Report*.