

GOVERNMENT CODE

TITLE 2. JUDICIAL BRANCH

Text of subtitle as added by Acts 2013, 83rd Leg., R.S., Ch. 747 (S.B. 462), Sec. 1.01

SUBTITLE K. SPECIALTY COURTS

CHAPTER 124. VETERANS COURT PROGRAM

This section was amended by the 84th Legislature. Pending publication of the current statutes, see S.B. 1474 and H.B. 3729, 84th Legislature, Regular Session, for amendments affecting this section.

Sec. 124.001. VETERANS COURT PROGRAM DEFINED; PROCEDURES FOR CERTAIN DEFENDANTS. (a) In this chapter, "veterans court program" means a program that has the following essential characteristics:

- (1) the integration of services in the processing of cases in the judicial system;
- (2) the use of a nonadversarial approach involving prosecutors and defense attorneys to promote public safety and to protect the due process rights of program participants;
- (3) early identification and prompt placement of eligible participants in the program;
- (4) access to a continuum of alcohol, controlled substance, mental health, and other related treatment and rehabilitative services;
- (5) careful monitoring of treatment and services provided to program participants;
- (6) a coordinated strategy to govern program responses to participants' compliance;
- (7) ongoing judicial interaction with program participants;
- (8) monitoring and evaluation of program goals and effectiveness;
- (9) continuing interdisciplinary education to promote effective program planning, implementation, and operations; and
- (10) development of partnerships with public agencies and community organizations, including the United States Department of Veterans Affairs.

(b) If a defendant successfully completes a veterans court program as authorized under Section 76.011, after notice to the attorney representing the state and a hearing in the veterans court at which that court determines that a dismissal is in the best interest of justice, the court in which the criminal case is pending shall dismiss the criminal action against the defendant.

Added by Acts 2009, 81st Leg., R.S., Ch. 840 (S.B. 1940), Sec. 4, eff. June 19, 2009.

Added by Acts 2009, 81st Leg., R.S., Ch. 1103 (H.B. 4833), Sec. 17(a), eff. September 1, 2009.

Transferred, redesignated and amended from Health and Safety Code, Chapter 617 by Acts 2013, 83rd Leg., R.S., Ch. 747 (S.B. 462), Sec. 1.05, eff. September 1, 2013.

This section was amended by the 84th Legislature. Pending publication of the current statutes, see S.B. 1474, 84th Legislature, Regular Session, for amendments affecting this section.

Sec. 124.002. AUTHORITY TO ESTABLISH PROGRAM; ELIGIBILITY. (a) The commissioners court of a county may establish a veterans court program for persons arrested for or charged with any misdemeanor or felony offense. A defendant is eligible to participate in a veterans court program established under this chapter only if the attorney representing the state consents to the defendant's participation in the program and if the court in which the criminal case is pending finds that the defendant:

(1) is a veteran or current member of the United States armed forces, including a member of the reserves, national guard, or state guard; and

(2) suffers from a brain injury, mental illness, or mental disorder, including post-traumatic stress disorder, that:

(A) resulted from the defendant's military service in a combat zone or other similar hazardous duty area; and

(B) materially affected the defendant's criminal conduct at issue in the case.

(b) The court in which the criminal case is pending shall allow an eligible defendant to choose whether to proceed through the veterans court program or otherwise through the criminal justice system.

(c) Proof of matters described by Subsection (a) may be submitted to the court in which the criminal case is pending in any form the court

determines to be appropriate, including military service and medical records, previous determinations of a disability by a veteran's organization or by the United States Department of Veterans Affairs, testimony or affidavits of other veterans or service members, and prior determinations of eligibility for benefits by any state or county veterans office. The court's findings must accompany any docketed case.

Added by Acts 2009, 81st Leg., R.S., Ch. 840 (S.B. 1940), Sec. 4, eff. June 19, 2009.

Added by Acts 2009, 81st Leg., R.S., Ch. 1103 (H.B. 4833), Sec. 17(a), eff. September 1, 2009.

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This section was amended by the 84th Legislature. Pending publication of the current statutes, see S.B. 1474, 84th Legislature, Regular Session, for amendments affecting this section.

Sec. 124.003. DUTIES OF VETERANS COURT. (a) A veterans court program established under this chapter must:

(1) ensure a person eligible for the program is provided legal counsel before volunteering to proceed through the program and while participating in the program;

(2) allow a participant to withdraw from the program at any time before a trial on the merits has been initiated;

(3) provide a participant with a court-ordered individualized treatment plan indicating the services that will be provided to the participant; and

(4) ensure that the jurisdiction of the veterans court continues for a period of not less than six months but does not continue beyond the period of community supervision for the offense charged.

(b) A veterans court program established under this chapter shall make, establish, and publish local procedures to ensure maximum participation of eligible defendants in the county or counties in which those defendants reside.

(c) This chapter does not prevent the initiation of procedures under Chapter 46B, Code of Criminal Procedure.

Added by Acts 2009, 81st Leg., R.S., Ch. 840 (S.B. 1940), Sec. 4, eff. June 19, 2009.

Added by Acts 2009, 81st Leg., R.S., Ch. 1103 (H.B. 4833), Sec. 17(a), eff. September 1, 2009.

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This section was amended by the 84th Legislature. Pending publication of the current statutes, see S.B. 1474, 84th Legislature, Regular Session, for amendments affecting this section.

Sec. 124.004. ESTABLISHMENT OF REGIONAL PROGRAM. (a) The commissioners courts of two or more counties may elect to establish a regional veterans court program under this chapter for the participating counties.

(b) For purposes of this chapter, each county that elects to establish a regional veterans court program under this section is considered to have established the program and is entitled to retain fees under Article 102.0178, Code of Criminal Procedure, in the same manner as if the county had established a veterans court program without participating in a regional program.

Added by Acts 2009, 81st Leg., R.S., Ch. 840 (S.B. 1940), Sec. 4, eff. June 19, 2009.

Added by Acts 2009, 81st Leg., R.S., Ch. 1103 (H.B. 4833), Sec. 17(a), eff. September 1, 2009.

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This section was amended by the 84th Legislature. Pending publication of the current statutes, see S.B. 1474, 84th Legislature, Regular Session, for amendments affecting this section.

Sec. 124.005. FEES. (a) A veterans court program established under this chapter may collect from a participant in the program:

- (1) a reasonable program fee not to exceed \$1,000; and

(2) a testing, counseling, and treatment fee in an amount necessary to cover the costs of any testing, counseling, or treatment performed or provided under the program.

(b) Fees collected under this section may be paid on a periodic basis or on a deferred payment schedule at the discretion of the judge, magistrate, or coordinator. The fees must be:

- (1) based on the participant's ability to pay; and
- (2) used only for purposes specific to the program.

Added by Acts 2009, 81st Leg., R.S., Ch. 840 (S.B. 1940), Sec. 4, eff. June 19, 2009.

Added by Acts 2009, 81st Leg., R.S., Ch. 1103 (H.B. 4833), Sec. 17(a), eff. September 1, 2009.

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