

GOVERNMENT CODE

TITLE 2. JUDICIAL BRANCH

SUBTITLE K. SPECIALTY COURTS

CHAPTER 124. VETERANS TREATMENT COURT PROGRAM

Sec. 124.001. VETERANS TREATMENT COURT PROGRAM DEFINED; PROCEDURES FOR CERTAIN DEFENDANTS. (a) In this chapter, "veterans treatment 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;

(10) development of partnerships with public agencies and community organizations, including the United States Department of Veterans Affairs; and

(11) inclusion of a participant's family members who agree to be involved in the treatment and services provided to the participant under the program.

(b) 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, after notice to the attorney representing the state and a hearing in the veterans treatment court at which that court determines that a dismissal is in the best interest of justice, the veterans treatment court shall provide to the court in which the criminal case is pending information about the dismissal and shall include all of the information required about the defendant for a petition for expunction under Section 2(b), Article 55.02, Code of Criminal Procedure. The court in which the criminal case is pending shall dismiss the case against the defendant and:

(1) if that trial court is a district court, the court may, with the consent of the attorney representing the state, enter an order of expunction on behalf of the defendant under Section 1a(a-1), Article 55.02, Code of Criminal Procedure; or

(2) if that trial court is not a district court, the court may, with the consent of the attorney representing the state, forward the appropriate dismissal and expunction information to enable a district court with jurisdiction to enter an order of expunction on behalf of the defendant under Section 1a(a-1), Article 55.02, 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.

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.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 585 (H.B. 3729), Sec. 1, eff. June 16, 2015.

Acts 2015, 84th Leg., R.S., Ch. 1205 (S.B. 1474), Sec. 2, eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 693 (H.B. 322), Sec. 4, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 889 (H.B. 3069), Sec. 1, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 467 (H.B. 4170), Sec. 8.007,

eff. September 1, 2019.

Sec. 124.002. AUTHORITY TO ESTABLISH PROGRAM; ELIGIBILITY.

(a) The commissioners court of a county may establish a veterans treatment court program for persons arrested for, charged with, convicted of, or placed on deferred adjudication community supervision for any misdemeanor or felony offense. A defendant is eligible to participate in a veterans treatment 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 or in which the defendant was convicted or placed on deferred adjudication community supervision, as applicable, finds that the defendant is a veteran or current member of the United States armed forces, including a member of the reserves, national guard, or state guard, who:

(1) suffers from a brain injury, mental illness, or mental disorder, including post-traumatic stress disorder, or was a victim of military sexual trauma if the injury, illness, disorder, or trauma:

(A) occurred during or resulted from the defendant's military service; and

(B) affected the defendant's criminal conduct at issue in the case; or

(2) is a defendant whose participation in a veterans treatment court program, considering the circumstances of the defendant's conduct, personal and social background, and criminal history, is likely to achieve the objective of ensuring public safety through rehabilitation of the veteran in the manner provided by Section 1.02(1), Penal Code.

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

(c) Proof of matters described by Subsection (a) may be submitted to the applicable criminal court 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.

(d) In this section, "military sexual trauma" means any sexual assault or sexual harassment that occurs while the victim is a member of the United States armed forces performing the person's regular duties.

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.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1205 (S.B. 1474), Sec. 3, eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 889 (H.B. 3069), Sec. 2, eff. September 1, 2017.

Sec. 124.003. DUTIES OF VETERANS TREATMENT COURT PROGRAM.

(a) A veterans treatment court program established under this chapter must:

(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 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

treatment 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 treatment court program established under this chapter shall make, establish, and publish local procedures to ensure maximum participation of eligible defendants in the program.

(b-1) A veterans treatment court program may allow a participant to comply with the participant's court-ordered individualized treatment plan or to fulfill certain other court obligations through the use of videoconferencing software or other Internet-based communications.

(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.

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.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1205 (S.B. 1474), Sec. 4, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 1205 (S.B. 1474), Sec. 5, eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 889 (H.B. 3069), Sec. 3, eff. September 1, 2017.

Acts 2021, 87th Leg., R.S., Ch. 160 (S.B. 1093), Sec. 1, eff. May 28, 2021.

Acts 2021, 87th Leg., R.S., Ch. 934 (H.B. 3774), Sec. 12.02, eff. September 1, 2021.

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

(b) Repealed by Acts 2019, 86th Leg., Ch. 1352 (S.B. 346),

Sec. 4.40(30), eff. January 1, 2020.

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.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1205 (S.B. 1474), Sec. 6, eff. September 1, 2015.

Acts 2019, 86th Leg., R.S., Ch. 1352 (S.B. 346), Sec. 4.40(30), eff. January 1, 2020.

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

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

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

(b) Reimbursement 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.

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.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1205 (S.B. 1474), Sec. 7, eff. September 1, 2015.

Acts 2019, 86th Leg., R.S., Ch. 1352 (S.B. 346), Sec. 2.47, eff. January 1, 2020.

Sec. 124.006. COURTESY SUPERVISION. (a) A veterans treatment court program that accepts placement of a defendant may transfer responsibility for supervising the defendant's participation in the program to another veterans treatment court program that is located in the county where the defendant works or resides or in a county adjacent to the county where the defendant works or resides. The defendant's supervision may be transferred under this section only with the consent of both veterans treatment court programs and the defendant.

(b) A defendant who consents to the transfer of the defendant's supervision must agree to abide by all rules, requirements, and instructions of the veterans treatment court program that accepts the transfer.

(c) If a defendant whose supervision is transferred under this section does not successfully complete the program, the veterans treatment court program supervising the defendant shall return the responsibility for the defendant's supervision to the veterans treatment court program that initiated the transfer.

(d) If a defendant is charged with an offense in a county that does not operate a veterans treatment court program, the court in which the criminal case is pending may place the defendant in a veterans treatment court program located in the county where the defendant works or resides or in a county adjacent to the county where the defendant works or resides, provided that a program is operated in that county and the defendant agrees to the placement. A defendant placed in a veterans treatment court program in accordance with this subsection must agree to abide by all rules, requirements, and instructions of the program.

Added by Acts 2015, 84th Leg., R.S., Ch. 1205 (S.B. 1474), Sec. 8, eff. September 1, 2015.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 160 (S.B. 1093), Sec. 2, eff.

May 28, 2021.

Acts 2021, 87th Leg., R.S., Ch. 934 (H.B. [3774](#)), Sec. 12.03, eff. September 1, 2021.

Sec. 124.007. REPORT. Not later than December 1 of each year, the Texas Veterans Commission shall report the following information for the preceding state fiscal year to the governor, the lieutenant governor, the speaker of the house of representatives, and each member of the legislature:

(1) the number of defendants who:

(A) participated in each veterans treatment court program;

(B) successfully completed each program; and

(C) did not successfully complete each program;

and

(2) the amount of grant funding received by each program.

Added by Acts 2019, 86th Leg., R.S., Ch. 526 (S.B. [1180](#)), Sec. 1, eff. September 1, 2019.