

# **[2015 Session] Allow Cross-Jurisdictional Supervision by Veterans Court Judges, Expand Potential Participation in Veterans Courts to Veterans Without Combat Experience, and Allow for Record Expungement Upon Successful Completion of Programming**

## **Policy Background:**

Veterans Courts are treatment courts for a targeted population whose common experiences – particularly related to Post-Traumatic Stress Disorder and Traumatic Brain Injury – lend themselves to common courses of specialized treatment.

Most Veterans Courts are pretrial diversion programs operated at the discretion of the local prosecutor, who must agree not to prosecute in order for the veteran to participate. If the veteran successfully completes the program, charges are dismissed and the case is eligible for expunction. (However, since defendants must pay court costs associated with expunction, many do not take that extra step.) In some counties, prosecutors require a plea of “guilty” or “no contest” before agreeing to a defendant’s participation.

Currently, veterans who have been accepted for participation in a Veterans Court in a specific county must report to that county and can only be supervised by that county’s officials. This places significant financial and logistical burdens on veterans who reside in another county.

In addition, the legislative requirement that veterans must be combat veterans to be eligible for adjudication by a Veterans Court is not cognizant of other trauma-inducing aspects of the military experience during shifting battlefronts and an extended war.

Texas policy-makers should allow supervision of any veteran admitted to a Veterans Court program to be shifted from one jurisdiction to another, if the judges administering the program consent to the transfer.

Policy-makers should also expand Veterans Court eligibility to any veteran who can show that his or her crime was influenced by a mental state exacerbated by military experience.

Finally, policy-makers should allow a judge to expunge a veteran's record at disposition if he or she successfully completes the specialty court program.

### **Key Facts:**

- Harris County launched Texas' first veterans court in 2009. Now, Texas has 20 veterans courts operating in 17 counties.[\[1\]](#)
- Most veterans courts have relatively small caseloads – the one in Travis County, for example, has accepted only 141 cases since it launched in 2010.[\[2\]](#) Bexar County has graduated more than 100 veterans from its program, had roughly 125 active cases as of 2014, with more than 200 on a waiting list.[\[3\]](#)

Across 7 Veterans Courts – Bexar, Dallas, El Paso, Harris, Hidalgo, Tarrant, and Travis – the number of veterans assessed for eligibility since the programs' inception totals 1,283; the number of new enrollments in the program totals 388; and the number who have successfully completed the program totals 186.[\[4\]](#)

- Below are the top reported offenses handled by various veterans courts, according to the Texas Veterans Commission:
- Bexar: DWI, Possession of Controlled Substance
  - Cameron: DWI, Possession of Controlled Substance, Assault
  - Collin: DWI, Assault (6 out of 10 involve family violence), Possession of Controlled Substance
  - Dallas: Assault, DWI, Theft
  - Denton: DWI, Assault, Possession of Controlled Substance
  - El Paso: Aggravated Assault with Deadly Weapon

- Guadalupe: DWI, Assault Bodily Injury, Assault Bodily Injury/Family Violence
- Harris: Possession of a controlled substance, DWI, Assault Family Member
- Nueces: Assault, DWI, Possession of Controlled Substance, Theft
- Tarrant: Misdemeanor DWI, Misdemeanor Assault, Possession of Controlled Substance
- Travis: 99% DWI, followed by possession of marijuana
- Williamson County: Alcohol-related offenses (DWI and Public Intoxication), Drug-related offenses (Possession of Marijuana or controlled substance), Driving Without a License [\[5\]](#)
  - A recent, large-scale study found that “The rate of major depression is five times as high among soldiers as civilians; intermittent explosive disorder, which results in episodes of extreme anger, is six times as high; and post-traumatic stress disorder was nearly 15 times higher than among civilians.”[\[6\]](#) Traumatic Brain Injury (TBI) also appears to strongly correlate to criminal behavior, with prisoners reporting TBI at seven times the rate of the general public.[\[7\]](#)
  - At times, due to ineffective, limited, or under-resourced institutional and community-based approaches to veterans’ care, some veterans who become entangled in the criminal justice system end up addicted or homeless, and a shockingly high number attempt suicide or die from reckless behaviors.[\[8\]](#)

## Relevant Bills:

- **Bill Number:** [HB 1048](#) (Farias, Susan King, Martinez Fischer, Rick Miller, Coleman)  
**Bill Caption:** Relating to the redesignation of veterans court programs as veterans treatment court programs, the administration of those programs, the expunction of arrest records and files for certain participants who successfully complete a program, and the issuance of orders of nondisclosure for participants convicted of a misdemeanor; changing a fee.  
**Hearing Notice:** House Defense & Veterans’ Affairs Committee, [Notice of Public Hearing on April 8, 2015](#)  
**TCJE Action:** [Card in support](#)
- **Bill Number:** [HB 1271](#) (Farias)  
**Bill Caption:** Relating to an exemption from ad valorem taxation of the total

appraised value of the residence homestead of a veteran or current member of the armed services of the United States while the veteran or current service member participates in a veterans court program.

- **Bill Number:** [HB 1958](#) (Canales)

**Bill Caption:** Relating to eligibility for participation in veterans court programs.

**TCJE Materials:** [Fact Sheet](#)

**Hearing Notice:** House Defense & Veterans' Affairs Committee, [Notice of Public Hearing on April 8, 2015](#)

**Archived Hearing Video:** House Defense & Veterans' Affairs Committee, [04/08/15 Video](#) [TCJE testimony begins at 03:01:14]

- **Bill Number:** [HB 1960](#) (Canales)

**Bill Caption:** Relating to the automatic expunction of arrest records and files for certain veterans and the waiver of fees and costs charged for the expunction.

**Hearing Notice:** House Defense & Veterans' Affairs Committee, [Notice of Public Hearing on April 8, 2015](#)

**Archived Hearing Video:** House Defense & Veterans' Affairs Committee, [04/08/15 Video](#) [TCJE testimony begins at 03:16:36]

- **Bill Number:** [HB 3362](#) (Collier)

**Bill Caption:** Relating to the automatic expunction of arrest records and files for certain veterans who successfully complete a veterans court pretrial intervention program.

- **Bill Number:** [HB 3728](#) (Farias)

**Bill Caption:** Relating to the administration of veterans court program proceedings before a magistrate.

- **Bill Number:** [HB 3729](#) (authors: Farias, Guillen | sponsor: Menéndez)

**Bill Caption:** Relating to inclusion of family members of veterans court program participants in the treatment and services provided to the participants under the program.

**House Hearing Notice:** House Defense & Veterans' Affairs Committee, [Notice of Public Hearing on April 8, 2015](#)

**TCJE House Action:** [Card in support](#)

**Senate Hearing Notice:** Senate Criminal Justice Committee, [Notice of Public Hearing on May 19, 2015](#)

**TCJE Senate Action:** [Card in support](#)

**Outcome:** **Effective immediately (6/16/15)**

- **Bill Number:** [HJR 84](#) (Farias)

**Bill Caption:** Proposing a constitutional amendment authorizing the legislature

to exempt from ad valorem taxation the total assessed value of the residence homestead of a veteran or current member of the armed services of the United States while the veteran or current service member participates in a veterans court program.

- **Bill Number:** [SB 1310](#) (Menéndez)

**Bill Caption:** Relating to the administration of and eligibility for participation in a veterans court program and the automatic expunction of arrest records and files for certain veterans who successfully complete that program; imposing a court cost on conviction to benefit veterans court programs; changing a fee.

- **Bill Number:** [SB 1474](#) (author: Garcia | sponsor: Farias)

**Bill Caption:** Relating to the redesignation of veterans court programs as veterans treatment court programs and the eligibility for participation in and administration of those programs.

**Senate Hearing Notices:** Senate Criminal Justice Committee, [Notice of Public Hearing on April 7, 2015](#) | [Notice of Public Hearing on April 14, 2015](#)

**TCJE Senate Action:** [Card in support](#)

**House Hearing Notice:** House Defense & Veterans' Affairs Committee, [Notice of Public Hearing on May 13, 2015](#)

**TCJE House Action:** [Card in support](#)

**Outcome:** [Effective 9/1/15](#)

## Relevant Media:

- **San Antonio Express-News:** [“Growing number of women vets prompts need for state program”](#) [May 5, 2015; behind a paywall]

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[1] Texas Coordinating Council for Veterans Services, *Second Report*, October 1, 2014, p. 50; [http://www.tvc.texas.gov/documents/TCCVS\\_Report\\_2014.pdf](http://www.tvc.texas.gov/documents/TCCVS_Report_2014.pdf)

[2] Continuing legal education seminar, Travis County Courthouse, April 16, 2014, attended by Scott Henson, TCJE Policy Consultant.

[3] Judge Wayne Christian, testimony before the Texas House Committee on Defense and Veterans Affairs, May 14, 2014.

[4] Texas Coordinating Council for Veterans Services, *Second Report*, p. 51.

[5] Texas Veterans Commission, data sent to Texas Center for Justice and Equity via email, May 7, 2014.

[6] *CNN*, “Study: Rates of many mental disorders much higher in soldiers than civilians,” March 4, 2014;  
<http://www.cnn.com/2014/03/03/health/jama-military-mental-health/index.html?c=us>.

[7] Katherine Harmon, “Brain Injury Rate 7 Times Greater Among US Prisoners,” *Scientific American*, February 4, 2012;  
<http://www.scientificamerican.com/article/traumatic-brain-injury-prison/>

Also see: Richard A. Kulka, William E. Schlenger, John A. Fairbank, et al., *Contractual Report of Findings from the National Vietnam Veterans Readjustment Study*, Volume 1: Executive Summary, Description of Findings, and Technical Appendices, Research Triangle Institute, 1999, p. 12;  
<http://www.ptsd.va.gov/professional/articles/article-pdf/nvvrsvol1.pdf>

[8] *Los Angeles Times*, “More young veterans committing suicide, data show,” January 10, 2014; <http://www.utexas.edu/ssw/faculty-and-staff/directory/armour/>

Also see: M. Harrell, “Losing the battle: The challenge of military suicide,” *Center for A New American Security, Policy Brief*, 2011;  
[http://www.cnas.org/files/documents/publications/CNAS\\_LosingTheBattle\\_HarrellBerglass.pdf](http://www.cnas.org/files/documents/publications/CNAS_LosingTheBattle_HarrellBerglass.pdf)

Also see: R. Bossarte & J. Kemp, *Suicide Data Report, 2012*, Department of Veterans Affairs, Mental Health Services, Suicide Prevention Program;  
<http://www.va.gov/opa/docs/Suicide-Data-Report-2012-final.pdf>