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HOUSE BILL 2624

Dear Members of the Committee,

Thank you for the opportunity to present testimony regarding House Bill 2624. The Texas Criminal Justice Coalition is in favor of this bill, specifically Section 4 which relates to requiring a presentence investigation to include information on whether a defendant is a current or former member of the military, and whether he or she has served in the armed forces of the United States in an active-duty status.

### **PROBLEM**

Countless studies show that war can have a disastrous effect on both a person's physical and mental state. The challenges faced by returning service members are numerous and difficult; reconnecting with family, adjusting to civilian life, and finding stable employment each can pose problems. An added burden on returning service members is the emotional and mental strain that accompanies combat and long periods of sustained stress, namely post-traumatic stress disorder (PTSD) and other mental health disorders.

The current wars in Iraq and Afghanistan have made this discussion especially timely. As of September 2008, 1.7 million troops had been deployed to Iraq and Afghanistan,<sup>1</sup> with another 34,000 troops deployed in 2009.<sup>2</sup> Additional data from 2009 shows that 35,000 individuals have been wounded in action,<sup>3</sup> with an unparalleled 90 percent surviving their injuries.<sup>4</sup> However, physical injuries are not these wars' only consequence. In fact, PTSD and Traumatic Brain Injury (TBI) caused by blasts are considered the 'signature' injuries of the wars in Iraq and Afghanistan:<sup>5</sup> an estimated 30 percent of veterans report signs of PTSD, depression, and other mental health issues,<sup>6</sup> which does not include those individuals who may experience other symptoms coupled with mental disorders – such as depression and anxiety – that can contribute to aggressive behavior.<sup>7</sup>

### **SOLUTION**

- **Support H.B. 2624.** Requiring a defendant's military service – and especially any combat-related service – to be part of a presentence investigation is an important step in ensuring that judges have all the information necessary to consider mitigating factors when sentencing veterans suffering from combat-related mental health disorders.

<sup>1</sup> Dan Heilman, "Veterans with post-traumatic stress disorder present challenges for the criminal justice system," *Minnesota Lawyer*, October 24, 2008, <http://www.minnlawyer.com/article.cfm?recid=79487>.

<sup>2</sup> Ann Scott Tyson, "Support Troops Swelling U.S. Force in Afghanistan: Additional Deployments Not Announced and Rarely Noted," *The Washington Post*, October 13, 2009, <http://www.washingtonpost.com/wp-dyn/content/article/2009/10/12/AR2009101203142.html>.

<sup>3</sup> Heidi Golding and others, "Understanding recent estimates of PTSD and TBI from operations Iraqi Freedom and Enduring Freedom," *Journal of Rehabilitation Research and Development* 46, no. 5 (2009): vii-xiii.

<sup>4</sup> Constantina Aprilakis, "The Warrior Returns: Struggling to Address Criminal Behavior by Veterans with PTSD," *The Georgetown Journal of Law and Public Policy*, Vol. 3 (2006): 547.

<sup>5</sup> Hillary S. Burke, Charles E. Degeneffe, and Marjorie F. Olney, "A New Disability for Rehabilitation Counselors: Iraq War Veterans with Traumatic Brain Injury and Post-Traumatic Stress Disorder," *Journal of Rehabilitation* 75, no. 3 (2009): 5.

<sup>6</sup> Drug Policy Alliance. Healing a Broken System: Veterans Battling Addiction and Incarceration. (Issue Brief: November 4, 2009), 2.

<sup>7</sup> Matthew Jakupcak and others, "Anger, Hostility, and Aggression Among Iraq and Afghanistan War Veterans Reporting PTSD and Subthreshold PTSD," *Journal of Traumatic Stress* 20, no. 6 (2007): 950.