

By: Huffman

S.B. No. 462

A BILL TO BE ENTITLED

AN ACT

relating to specialty court programs in this state.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. SPECIALTY COURT PROGRAMS

SECTION 1.01. Title 2, Government Code, is amended by adding Subtitle K to read as follows:

SUBTITLE K. SPECIALTY COURTS

CHAPTER 121. GENERAL PROVISIONS

Sec. 121.001. DEFINITION. In this subtitle, "specialty court" means a court established under this subtitle or former law.

Sec. 121.002. OVERSIGHT. (a) The lieutenant governor and the speaker of the house of representatives may assign to appropriate legislative committees duties relating to the oversight of specialty court programs.

(b) For the purpose of determining the eligibility of a specialty court program to receive state or federal grant funds administered by a state agency, the governor or a legislative committee to which duties are assigned under Subsection (a) may request the state auditor to perform a management, operations, or financial or accounting audit of the program.

(c) Notwithstanding any other law, a specialty court program may not operate until the judge, magistrate, or coordinator:

(1) provides to the criminal justice division of the

1 governor's office:

2 (A) written notice of the program; and

3 (B) any resolution or other official declaration

4 under which the program was established; and

5 (2) receives from the division written verification of

6 the program's compliance with Subdivision (1).

7 (d) A specialty court program shall:

8 (1) comply with all programmatic best practices

9 adopted by the criminal justice division of the governor's office;

10 and

11 (2) report to the division any information required by

12 the division regarding the performance of the program.

13 (e) A specialty court program that fails to comply with

14 Subsections (c) and (d) is not eligible to receive any state or

15 federal grant funds administered by any state agency.

16 SECTION 1.02. Subchapter J, Chapter 264, Family Code, is  
17 transferred to Subtitle K, Title 2, Government Code, as added by  
18 this Act, redesignated as Chapter 122, Government Code, and amended  
19 to read as follows:

20 CHAPTER 122 [~~SUBCHAPTER J~~]. FAMILY DRUG COURT PROGRAM

21 Sec. 122.001 [~~264.801~~]. FAMILY DRUG COURT PROGRAM

22 DEFINED. In this chapter [~~subchapter~~], "family drug court program"

23 means a program that has the following essential characteristics:

24 (1) the integration of substance abuse treatment  
25 services in the processing of civil cases in the child welfare  
26 system with the goal of family reunification;

27 (2) the use of a comprehensive case management

1 approach involving Department of Family and Protective Services  
2 [~~department~~] caseworkers, court-appointed case managers, and  
3 court-appointed special advocates to rehabilitate a parent who has  
4 had a child removed from the parent's care by the department because  
5 of suspected child abuse or neglect and who is suspected of  
6 substance abuse;

7 (3) early identification and prompt placement of  
8 eligible parents who volunteer to participate in the program;

9 (4) comprehensive substance abuse needs assessment  
10 and referral to an appropriate substance abuse treatment agency;

11 (5) a progressive treatment approach with specific  
12 requirements that a parent must meet to advance to the next phase of  
13 the program;

14 (6) monitoring of abstinence through periodic alcohol  
15 or other drug testing;

16 (7) ongoing judicial interaction with program  
17 participants;

18 (8) monitoring and evaluation of program goals and  
19 effectiveness;

20 (9) continuing interdisciplinary education to promote  
21 effective program planning, implementation, and operations; and

22 (10) development of partnerships with public agencies  
23 and community organizations.

24 Sec. 122.002 [~~264.802~~]. AUTHORITY TO ESTABLISH PROGRAM.  
25 The commissioners court of a county may establish a family drug  
26 court program for persons who:

27 (1) have had a child removed from their care by the

1 Department of Family and Protective Services [~~department~~]; and

2 (2) are suspected by the Department of Family and  
3 Protective Services [~~department~~] or a court of having a substance  
4 abuse problem.

5 [~~Sec. 264.803. OVERSIGHT. (a) The lieutenant governor and~~  
6 ~~the speaker of the house of representatives may assign to~~  
7 ~~appropriate legislative committees duties relating to the~~  
8 ~~oversight of family drug court programs established under this~~  
9 ~~subchapter.~~

10 [(~~b) A legislative committee or the governor may request the~~  
11 ~~state auditor to perform a management, operations, or financial or~~  
12 ~~accounting audit of a family drug court program established under~~  
13 ~~this subchapter.~~]

14 Sec. 122.003 [~~264.804~~]. PARTICIPANT PAYMENT FOR TREATMENT  
15 AND SERVICES. A family drug court program may require a participant  
16 to pay the cost of all treatment and services received while  
17 participating in the program, based on the participant's ability to  
18 pay.

19 Sec. 122.004 [~~264.805~~]. FUNDING. A county creating a  
20 family drug court under this chapter shall explore the possibility  
21 of using court improvement project funds to finance the family drug  
22 court in the county. The county shall also explore the  
23 availability of federal and state matching funds to finance the  
24 court.

25 SECTION 1.03. Section 76.011(a), Government Code, is  
26 amended to read as follows:

27 (a) The department may operate programs for:

1           (1) the supervision and rehabilitation of persons in  
2 pretrial intervention programs;

3           (2) the supervision of persons released on bail under:

4                 (A) Chapter 11, Code of Criminal Procedure;

5                 (B) Chapter 17, Code of Criminal Procedure;

6                 (C) Article 44.04, Code of Criminal Procedure; or

7                 (D) any other law;

8           (3) the supervision of a person subject to, or the  
9 verification of compliance with, a court order issued under:

10                 (A) Article 17.441, Code of Criminal Procedure,  
11 requiring a person to install a deep-lung breath analysis mechanism  
12 on each vehicle owned or operated by the person;

13                 (B) Chapter 123 of this code or former law [469,  
14 ~~Health and Safety Code]~~, issuing an occupational driver's license;

15                 (C) Section 49.09(h), Penal Code, requiring a  
16 person to install a deep-lung breath analysis mechanism on each  
17 vehicle owned or operated by the person; or

18                 (D) Subchapter L, Chapter 521, Transportation  
19 Code, granting a person an occupational driver's license; and

20           (4) the supervision of a person not otherwise  
21 described by Subdivision (1), (2), or (3), if a court orders the  
22 person to submit to the supervision of, or to receive services from,  
23 the department.

24           SECTION 1.04. Chapter 469, Health and Safety Code, is  
25 transferred to Subtitle K, Title 2, Government Code, as added by  
26 this Act, redesignated as Chapter 123, Government Code, and amended  
27 to read as follows:

CHAPTER 123 [~~469~~]. DRUG COURT PROGRAMS

Sec. 123.001 [~~469.001~~]. DRUG COURT PROGRAM DEFINED;  
PROCEDURES FOR CERTAIN DEFENDANTS. (a) In this chapter, "drug  
court program" means a program that has the following essential  
characteristics:

(1) the integration of alcohol and other drug  
treatment 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, drug, and other  
related treatment and rehabilitative services;

(5) monitoring of abstinence through weekly alcohol  
and other drug testing;

(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.

1 (b) If a defendant successfully completes a drug court  
2 program, regardless of whether the defendant was convicted of the  
3 offense for which the defendant entered the program or whether the  
4 court deferred further proceedings without entering an  
5 adjudication of guilt, after notice to the state and a hearing on  
6 whether the defendant is otherwise entitled to the petition and  
7 whether issuance of the order is in the best interest of justice,  
8 the court shall enter an order of nondisclosure under Section  
9 411.081[~~, Government Code,~~] as if the defendant had received a  
10 discharge and dismissal under Section 5(c), Article 42.12, Code of  
11 Criminal Procedure, with respect to all records and files related  
12 to the defendant's arrest for the offense for which the defendant  
13 entered the program if the defendant:

14 (1) has not been previously convicted of an [a felony]  
15 offense listed in Section 3g, Article 42.12, Code of Criminal  
16 Procedure, or a sexually violent offense, as defined by Article  
17 62.001, Code of Criminal Procedure; and

18 (2) is not convicted for any [~~other~~] felony offense  
19 between the date on which the defendant successfully completed the  
20 program and [before] the second anniversary of that date [the  
21 defendant's successful completion of the program].

22 (c) Notwithstanding Subsection (b), a defendant is not  
23 entitled to petition the court for an order of nondisclosure  
24 following successful completion of a drug court program if the  
25 defendant's entry into the program arose as the result of a  
26 conviction for an offense involving the operation of a motor  
27 vehicle while intoxicated.

1           Sec. 123.002 [~~469.002~~]. AUTHORITY TO ESTABLISH PROGRAM.

2 The commissioners court of a county or governing body of a  
3 municipality may establish the following types of drug court  
4 programs:

5           (1) drug courts for persons arrested for, charged  
6 with, or convicted of:

7                   (A) an offense in which an element of the offense  
8 is the use or possession of alcohol or the use, possession, or sale  
9 of a controlled substance, a controlled substance analogue, or  
10 marihuana; or

11                   (B) an offense in which the use of alcohol or a  
12 controlled substance is suspected to have significantly  
13 contributed to the commission of the offense and the offense did not  
14 involve:

15                           (i) carrying, possessing, or using a  
16 firearm or other dangerous weapon;

17                           (ii) the use of force against the person of  
18 another; or

19                           (iii) the death of or serious bodily injury  
20 to another;

21           (2) drug courts for juveniles detained for, taken into  
22 custody for, or adjudicated as having engaged in:

23                   (A) delinquent conduct, including habitual  
24 felony conduct, or conduct indicating a need for supervision in  
25 which an element of the conduct is the use or possession of alcohol  
26 or the use, possession, or sale of a controlled substance, a  
27 controlled substance analogue, or marihuana; or

1 (B) delinquent conduct, including habitual  
2 felony conduct, or conduct indicating a need for supervision in  
3 which the use of alcohol or a controlled substance is suspected to  
4 have significantly contributed to the commission of the conduct and  
5 the conduct did not involve:

6 (i) carrying, possessing, or using a  
7 firearm or other dangerous weapon;

8 (ii) the use of force against the person of  
9 another; or

10 (iii) the death of or serious bodily injury  
11 to another;

12 (3) reentry drug courts for persons with a  
13 demonstrated history of using alcohol or a controlled substance who  
14 may benefit from a program designed to facilitate the person's  
15 transition and reintegration into the community on release from a  
16 state or local correctional facility;

17 (4) family dependency drug treatment courts for family  
18 members involved in a suit affecting the parent-child relationship  
19 in which a parent's use of alcohol or a controlled substance is a  
20 primary consideration in the outcome of the suit; or

21 (5) programs for other persons not precisely described  
22 by Subdivisions (1)-(4) who may benefit from a program that has the  
23 essential characteristics described by Section 123.001 [~~469.001~~].

24 Sec. 123.003 [~~469.0025~~]. ESTABLISHMENT OF REGIONAL  
25 PROGRAM. (a) The commissioners courts of two or more counties, or  
26 the governing bodies of two or more municipalities, may elect to  
27 establish a regional drug court program under this chapter for the

1 participating counties or municipalities.

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

9 ~~[Sec. 469.003. OVERSIGHT. (a) The lieutenant governor and~~  
10 ~~the speaker of the house of representatives may assign to~~  
11 ~~appropriate legislative committees duties relating to the~~  
12 ~~oversight of drug court programs established under this chapter.~~

13 ~~[(b) A legislative committee or the governor may request the~~  
14 ~~state auditor to perform a management, operations, or financial or~~  
15 ~~accounting audit of a drug court program established under this~~  
16 ~~chapter.~~

17 ~~[(c) A drug court program established under this chapter~~  
18 ~~shall:~~

19 ~~[(1) notify the criminal justice division of the~~  
20 ~~governor's office before or on implementation of the program; and~~

21 ~~[(2) provide information regarding the performance of~~  
22 ~~the program to the division on request.]~~

23 Sec. 123.004 ~~[469.004]~~. FEES. (a) A drug court program  
24 established under this chapter may collect from a participant in  
25 the program:

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

27 (2) an alcohol or controlled substance testing,

1 counseling, and treatment fee in an amount necessary to cover the  
2 costs of the testing, counseling, and treatment.

3 (b) Fees collected under this section may be paid on a  
4 periodic basis or on a deferred payment schedule at the discretion  
5 of the judge, magistrate, or coordinator [~~program director~~  
6 ~~administering the program~~]. The fees must be:

7 (1) based on the participant's ability to pay; and

8 (2) used only for purposes specific to the program.

9 Sec. 123.005 [~~469.005~~]. DRUG COURT PROGRAMS EXCLUSIVELY  
10 FOR CERTAIN INTOXICATION OFFENSES. (a) The commissioners court of  
11 a county may establish under this chapter a drug court program  
12 exclusively for persons arrested for, charged with, or convicted of  
13 an offense involving the operation of a motor vehicle while  
14 intoxicated.

15 (b) A county that establishes a drug court program under  
16 this chapter but does not establish a separate program under this  
17 section must employ procedures designed to ensure that a person  
18 arrested for, charged with, or convicted of a second or subsequent  
19 offense involving the operation of a motor vehicle while  
20 intoxicated participates in the county's existing drug court  
21 program.

22 Sec. 123.006 [~~469.006~~]. PROGRAM IN CERTAIN COUNTIES  
23 MANDATORY. (a) The commissioners court of a county with a  
24 population of more than 200,000 shall:

25 (1) establish a drug court program under [~~Subdivision~~  
26 ~~(1) of~~] Section 123.002(1); and

27 (2) direct the judge, magistrate, or coordinator to

1 comply with Section 121.002(c)(1) [469.002].

2 (b) A county required under this section to establish a drug  
3 court program shall apply for federal and state funds available to  
4 pay the costs of the program. The criminal justice division of the  
5 governor's office may assist a county in applying for federal funds  
6 as required by this subsection.

7 (c) Notwithstanding Subsection (a), a county is required to  
8 establish a drug court program under this section only if:

9 (1) the county receives federal or state funding,  
10 including funding under Article 102.0178, Code of Criminal  
11 Procedure, specifically for that purpose; and

12 (2) the judge, magistrate, or coordinator receives the  
13 verification described by Section 121.002(c)(2).

14 (d) A county that does not establish a drug court program as  
15 required by this section and maintain the program is ineligible to  
16 receive from the state:

17 (1) funds for a community supervision and corrections  
18 department; and

19 (2) grants for substance abuse treatment programs  
20 administered by the criminal justice division of the governor's  
21 office.

22 Sec. 123.007 [~~469.007~~]. USE OF OTHER DRUG AND ALCOHOL  
23 AWARENESS PROGRAMS. In addition to using a drug court program  
24 established under this chapter, the commissioners court of a county  
25 or a court may use other drug awareness or drug and alcohol driving  
26 awareness programs to treat persons convicted of drug or alcohol  
27 related offenses.

1           Sec. 123.008 [~~469.008~~]. SUSPENSION OR DISMISSAL OF  
2 COMMUNITY SERVICE REQUIREMENT. (a) Notwithstanding Sections 13  
3 and 16, Article 42.12, Code of Criminal Procedure, to encourage  
4 participation in a drug court program established under this  
5 chapter, the judge or magistrate administering the program may  
6 suspend any requirement that, as a condition of community  
7 supervision, a participant in the program work a specified number  
8 of hours at a community service project or projects.

9           (b) On a participant's successful completion of a drug court  
10 program, a judge or magistrate may excuse the participant from any  
11 condition of community supervision previously suspended under  
12 Subsection (a).

13           Sec. 123.009 [~~469.009~~]. OCCUPATIONAL DRIVER'S LICENSE.  
14 Notwithstanding Section 521.242, Transportation Code, if a  
15 participant's driver's license has been suspended as a result of an  
16 alcohol-related or drug-related enforcement contact, as defined by  
17 Section 524.001, Transportation Code, or as a result of a  
18 conviction under Section 49.04, 49.07, or 49.08, Penal Code, the  
19 judge or magistrate administering a drug court program under this  
20 chapter may order that an occupational license be issued to the  
21 participant. An order issued under this section is subject to  
22 Sections 521.248-521.252, Transportation Code, except that any  
23 reference to a petition under Section 521.242 of that code does not  
24 apply.

25           SECTION 1.05. Chapter 617, Health and Safety Code, is  
26 transferred to Subtitle K, Title 2, Government Code, as added by  
27 this Act, redesignated as Chapter 124, Government Code, and amended

1 to read as follows:

2 CHAPTER 124 [~~617~~]. VETERANS COURT PROGRAM

3 Sec. 124.001 [~~617.001~~]. VETERANS COURT PROGRAM DEFINED;  
4 PROCEDURES FOR CERTAIN DEFENDANTS. (a) In this chapter, "veterans  
5 court program" means a program that has the following essential  
6 characteristics:

7 (1) the integration of services in the processing of  
8 cases in the judicial system;

9 (2) the use of a nonadversarial approach involving  
10 prosecutors and defense attorneys to promote public safety and to  
11 protect the due process rights of program participants;

12 (3) early identification and prompt placement of  
13 eligible participants in the program;

14 (4) access to a continuum of alcohol, controlled  
15 substance, mental health, and other related treatment and  
16 rehabilitative services;

17 (5) careful monitoring of treatment and services  
18 provided to program participants;

19 (6) a coordinated strategy to govern program responses  
20 to participants' compliance;

21 (7) ongoing judicial interaction with program  
22 participants;

23 (8) monitoring and evaluation of program goals and  
24 effectiveness;

25 (9) continuing interdisciplinary education to promote  
26 effective program planning, implementation, and operations; and

27 (10) development of partnerships with public agencies

1 and community organizations, including the United States  
2 Department of Veterans Affairs.

3 (b) If a defendant successfully completes a veterans court  
4 program~~[7]~~ as authorized under Section 76.011, [~~Government Code~~7]  
5 after notice to the attorney representing the state and a hearing in  
6 the veterans court at which that court determines that a dismissal  
7 is in the best interest of justice, the court in which the criminal  
8 case is pending shall dismiss the criminal action against the  
9 defendant.

10 Sec. 124.002 [~~617.002~~]. AUTHORITY TO ESTABLISH PROGRAM;  
11 ELIGIBILITY. (a) The commissioners court of a county may establish  
12 a veterans court program for persons arrested for or charged with  
13 any misdemeanor or felony offense. A defendant is eligible to  
14 participate in a veterans court program established under this  
15 chapter only if the attorney representing the state consents to the  
16 defendant's participation in the program and if the court in which  
17 the criminal case is pending finds that the defendant:

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

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

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

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

27 (b) The court in which the criminal case is pending shall

1 allow an eligible defendant to choose whether to proceed through  
2 the veterans court program or otherwise through the criminal  
3 justice system.

4 (c) Proof of matters described by Subsection (a) may be  
5 submitted to the court in which the criminal case is pending in any  
6 form the court determines to be appropriate, including military  
7 service and medical records, previous determinations of a  
8 disability by a veteran's organization or by the United States  
9 Department of Veterans Affairs, testimony or affidavits of other  
10 veterans or service members, and prior determinations of  
11 eligibility for benefits by any state or county veterans  
12 office. The court's findings must accompany any docketed case.

13 Sec. 124.003 [~~617.003~~]. DUTIES OF VETERANS COURT. (a) A  
14 veterans court program established under this chapter must:

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

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

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

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

27 (b) A veterans court program established under this chapter

1 shall make, establish, and publish local procedures to ensure  
2 maximum participation of eligible defendants in the county or  
3 counties in which those defendants reside.

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

6 Sec. 124.004 [~~617.004~~]. ESTABLISHMENT OF REGIONAL  
7 PROGRAM. (a) The commissioners courts of two or more counties may  
8 elect to establish a regional veterans court program under this  
9 chapter for the participating counties.

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

16 [~~Sec. 617.005. OVERSIGHT. (a) The lieutenant governor and~~  
17 ~~the speaker of the house of representatives may assign to~~  
18 ~~appropriate legislative committees duties relating to the~~  
19 ~~oversight of veterans court programs established under this~~  
20 ~~chapter.~~

21 [~~(b) A legislative committee or the governor may request the~~  
22 ~~state auditor to perform a management, operations, or financial or~~  
23 ~~accounting audit of a veterans court program established under this~~  
24 ~~chapter.~~

25 [~~(c) A veterans court program established under this~~  
26 ~~chapter shall:~~

27 [~~(1) notify the criminal justice division of the~~

1 ~~governor's office before or on implementation of the program; and~~  
2 ~~[(2) provide information regarding the performance of~~  
3 ~~the program to that division on request.]~~

4 Sec. 124.005 [~~617.006~~]. FEES. (a) A veterans court  
5 program established under this chapter may collect from a  
6 participant in the program:

- 7 (1) a reasonable program fee not to exceed \$1,000; and  
8 (2) a testing, counseling, and treatment fee in an  
9 amount necessary to cover the costs of any testing, counseling, or  
10 treatment performed or provided under the program.

11 (b) Fees collected under this section may be paid on a  
12 periodic basis or on a deferred payment schedule at the discretion  
13 of the judge, magistrate, or coordinator [~~program director~~  
14 ~~administering the program~~]. The fees must be:

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

17 SECTION 1.06 Chapter 616, Health and Safety Code, is  
18 transferred to Subtitle K, Title 2, Government Code, as added by  
19 this Act, redesignated as Chapter 125, Government Code, and amended  
20 to read as follows:

21 CHAPTER 125 [~~616~~]. MENTAL HEALTH COURT PROGRAMS

22 Sec. 125.001 [~~616.001~~]. MENTAL HEALTH COURT PROGRAM  
23 DEFINED. In this chapter, "mental health court program" means a  
24 program that has the following essential characteristics:

- 25 (1) the integration of mental illness treatment  
26 services and mental retardation services in the processing of cases  
27 in the judicial system;

1           (2) the use of a nonadversarial approach involving  
2 prosecutors and defense attorneys to promote public safety and to  
3 protect the due process rights of program participants;

4           (3) early identification and prompt placement of  
5 eligible participants in the program;

6           (4) access to mental illness treatment services and  
7 mental retardation services;

8           (5) ongoing judicial interaction with program  
9 participants;

10           (6) diversion of potentially mentally ill or mentally  
11 retarded defendants to needed services as an alternative to  
12 subjecting those defendants to the criminal justice system;

13           (7) monitoring and evaluation of program goals and  
14 effectiveness;

15           (8) continuing interdisciplinary education to promote  
16 effective program planning, implementation, and operations; and

17           (9) development of partnerships with public agencies  
18 and community organizations, including local mental retardation  
19 authorities.

20           Sec. 125.002 [~~616.002~~]. AUTHORITY TO ESTABLISH PROGRAM.  
21 The commissioners court of a county may establish a mental health  
22 court program for persons who:

23           (1) have been arrested for or charged with a  
24 misdemeanor or felony; and

25           (2) are suspected by a law enforcement agency or a  
26 court of having a mental illness or mental retardation.

27           Sec. 125.003 [~~616.003~~]. PROGRAM. (a) A mental health court

1 program established under Section 125.002 [~~616.002~~]:

2 (1) may handle all issues arising under Articles 16.22  
3 and 17.032, Code of Criminal Procedure, and Chapter 46B, Code of  
4 Criminal Procedure; and

5 (2) must:

6 (A) ensure a person eligible for the program is  
7 provided legal counsel before volunteering to proceed through the  
8 mental health court program and while participating in the program;

9 (B) allow a person, if eligible for the program,  
10 to choose whether to proceed through the mental health court  
11 program or proceed through the regular criminal justice system;

12 (C) allow a participant to withdraw from the  
13 mental health court program at any time before a trial on the merits  
14 has been initiated;

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

18 (E) ensure that the jurisdiction of the mental  
19 health court extends at least six months but does not extend beyond  
20 the probationary period for the offense charged if the probationary  
21 period is longer than six months.

22 (b) The issues shall be handled by a magistrate, as  
23 designated by Article 2.09, Code of Criminal Procedure, who is part  
24 of a mental health court program established under Section 125.002  
25 [~~616.002~~].

26 [~~Sec. 616.004. OVERSIGHT. (a) The lieutenant governor and~~  
27 ~~the speaker of the house of representatives may assign to~~

1 ~~appropriate legislative committees duties relating to the~~  
2 ~~oversight of mental health court programs established under Section~~  
3 ~~616.002.~~

4 ~~[(b) A legislative committee or the governor may request the~~  
5 ~~state auditor to perform a management, operations, or financial or~~  
6 ~~accounting audit of a mental health court program established under~~  
7 ~~Section 616.002.]~~

8 Sec. 125.004 [~~616.005~~]. PARTICIPANT PAYMENT FOR TREATMENT  
9 AND SERVICES. A mental health court program may require a  
10 participant to pay the cost of all treatment and services received  
11 while participating in the program, based on the participant's  
12 ability to pay.

13 SECTION 1.07. Section 772.0061(a)(2), Government Code, is  
14 amended to read as follows:

15 (2) "Specialty court" means:

16 (A) a family drug court program established under  
17 Chapter 122 or former law;

18 (B) a drug court program established under  
19 Chapter 123 or former law [~~469, Health and Safety Code~~];

20 (C) a veterans court program established under  
21 Chapter 124 or former law; and

22 (D) [~~(B)~~] a mental health court program  
23 established under Chapter 125 or former law [~~616, Health and Safety~~  
24 ~~Code, and~~

25 [~~(C) a veterans court program established under~~  
26 ~~Chapter 617, Health and Safety Code]~~.

27 SECTION 1.08. Section 772.0061, Government Code, is amended

1 by amending Subsections (b), (c), (d), and (e) and adding  
2 Subsection (j) to read as follows:

3 (b) The governor shall establish the Specialty Courts  
4 Advisory Council within the criminal justice division established  
5 under Section 772.006 to:

6 (1) evaluate applications for grant funding for  
7 specialty courts in this state and to make funding recommendations  
8 to the criminal justice division; and

9 (2) make recommendations to the criminal justice  
10 division regarding best practices for specialty courts established  
11 under Chapter 122, 123, 124, or 125 or former law.

12 (c) The council is composed of nine [~~seven~~] members  
13 appointed by the governor as follows:

14 (1) one member with experience as the judge of a  
15 specialty court described by Subsection (a)(2)(A);

16 (2) one member with experience as the judge of a  
17 specialty court described by Subsection (a)(2)(B);

18 (3) one member with experience as the judge of a  
19 specialty court described by Subsection (a)(2)(C);

20 (4) one member with experience as the judge of a  
21 specialty court described by Subsection (a)(2)(D) [~~three members~~  
22 with experience as judges of a specialty court]; and

23 (5) five [~~(2) four~~] members who represent the public.

24 (d) The members appointed under Subsection (c)(5) [~~(c)(2)~~]  
25 must:

26 (1) reside in various geographic regions of the state;

27 and

1           (2) have experience practicing law in a specialty  
2 court or possess knowledge and expertise in a field relating to  
3 behavioral or mental health issues or to substance abuse treatment.

4           (e) Members are appointed for staggered six-year terms,  
5 with the~~[. The]~~ terms of ~~[either two or]~~ three members expiring~~[, as~~  
6 ~~applicable, expire]~~ February 1 of each odd-numbered year.

7           (j) A member of the council may not receive compensation for  
8 service on the council. The member may receive reimbursement from  
9 the criminal justice division for actual and necessary expenses  
10 incurred in performing council functions as provided by Section  
11 2110.004.

12                           ARTICLE 2. CONFORMING AMENDMENTS

13           SECTION 2.01. Section 18(b), Article 42.12, Code of  
14 Criminal Procedure, is amended to read as follows:

15           (b) If a judge requires as a condition of community  
16 supervision or participation in a drug court program established  
17 under Chapter 123, Government ~~[469, Health and Safety]~~ Code, or  
18 former law that the defendant serve a term in a community  
19 corrections facility, the term may not be more than 24 months.

20           SECTION 2.02. Article 59.062(f), Code of Criminal  
21 Procedure, is amended to read as follows:

22           (f) A civil penalty collected under this article shall be  
23 deposited to the credit of the specialty ~~[drug]~~ court account in the  
24 general revenue fund to help fund specialty ~~[drug]~~ court programs  
25 established under Chapter 122, 123, 124, or 125, Government ~~[469,~~  
26 ~~Health and Safety]~~ Code, or former law.

27           SECTION 2.03. Articles 102.0178(e) and (g), Code of

1 Criminal Procedure, are amended to read as follows:

2 (e) A county is entitled to:

3 (1) if the custodian of the county treasury complies  
4 with Subsection (d), retain 10 percent of the funds collected under  
5 this article by an officer of the county during the calendar quarter  
6 as a service fee; and

7 (2) if the county has established a specialty ~~[drug]~~  
8 court program or establishes a specialty ~~[drug]~~ court program  
9 before the expiration of the calendar quarter, retain in addition  
10 to the 10 percent authorized by Subdivision (1) another 50 percent  
11 of the funds collected under this article by an officer of the  
12 county during the calendar quarter to be used exclusively for the  
13 development and maintenance of specialty ~~[drug]~~ court programs  
14 operated within the county.

15 (g) The comptroller shall deposit the funds received under  
16 this article to the credit of the specialty ~~[drug]~~ court account in  
17 the general revenue fund to help fund specialty ~~[drug]~~ court  
18 programs established under Chapter 122, 123, 124, or 125,  
19 Government ~~[469, Health and Safety]~~ Code, or former law. The  
20 legislature shall appropriate money from the account solely to the  
21 criminal justice division of the governor's office for distribution  
22 to specialty ~~[drug]~~ court programs that apply for the money.

23 SECTION 2.04. Section 58.003(c-1), Family Code, is amended  
24 to read as follows:

25 (c-1) Notwithstanding Subsections (a) and (c) and subject  
26 to Subsection (b), a juvenile court may order the sealing of records  
27 concerning a child adjudicated as having engaged in delinquent

1 conduct or conduct indicating a need for supervision that violated  
2 a penal law of the grade of misdemeanor or felony if the child  
3 successfully completed a drug court program under Chapter 123,  
4 Government [~~469, Health and Safety~~] Code, or former law. The court  
5 may:

6 (1) order the sealing of the records immediately and  
7 without a hearing; or

8 (2) hold a hearing to determine whether to seal the  
9 records.

10 SECTION 2.05. Section 54.1801, Government Code, is amended  
11 to read as follows:

12 Sec. 54.1801. DEFINITION. In this subchapter, "drug court"  
13 or "drug court program" has the meaning assigned by Section 123.001  
14 [~~469.001, Health and Safety Code~~].

15 SECTION 2.06. Section 76.017(d), Government Code, is  
16 amended to read as follows:

17 (d) After a person is screened and evaluated, a  
18 representative of the department shall meet with the participating  
19 criminal justice and treatment agencies to review the person's case  
20 and to determine if the person should be referred for treatment. If  
21 a person is considered appropriate for referral, the person may be  
22 referred to community-based treatment in accordance with  
23 applicable law or any other treatment program deemed appropriate.  
24 A magistrate may order a person to participate in a treatment  
25 program recommended under this section, including treatment in a  
26 drug court program established under Chapter 123 or former law  
27 [~~469, Health and Safety Code~~], as a condition of bond or condition

1 of pretrial release.

2 SECTION 2.07. Section 102.021, Government Code, is amended  
3 to read as follows:

4 Sec. 102.021. COURT COSTS ON CONVICTION: CODE OF CRIMINAL  
5 PROCEDURE. A person convicted of an offense shall pay the following  
6 under the Code of Criminal Procedure, in addition to all other  
7 costs:

8 (1) court cost on conviction of any offense, other  
9 than a conviction of an offense relating to a pedestrian or the  
10 parking of a motor vehicle (Art. 102.0045, Code of Criminal  
11 Procedure) . . . \$4;

12 (2) a fee for services of prosecutor (Art. 102.008,  
13 Code of Criminal Procedure) . . . \$25;

14 (3) fees for services of peace officer:

15 (A) issuing a written notice to appear in court  
16 for certain violations (Art. 102.011, Code of Criminal Procedure)  
17 . . . \$5;

18 (B) executing or processing an issued arrest  
19 warrant, capias, or capias pro fine (Art. 102.011, Code of Criminal  
20 Procedure) . . . \$50;

21 (C) summoning a witness (Art. 102.011, Code of  
22 Criminal Procedure) . . . \$5;

23 (D) serving a writ not otherwise listed (Art.  
24 102.011, Code of Criminal Procedure) . . . \$35;

25 (E) taking and approving a bond and, if  
26 necessary, returning the bond to courthouse (Art. 102.011, Code of  
27 Criminal Procedure) . . . \$10;

1 (F) commitment or release (Art. 102.011, Code of  
2 Criminal Procedure) . . . \$5;

3 (G) summoning a jury (Art. 102.011, Code of  
4 Criminal Procedure) . . . \$5;

5 (H) attendance of a prisoner in habeas corpus  
6 case if prisoner has been remanded to custody or held to bail (Art.  
7 102.011, Code of Criminal Procedure) . . . \$8 each day;

8 (I) mileage for certain services performed (Art.  
9 102.011, Code of Criminal Procedure) . . . \$0.29 per mile; and

10 (J) services of a sheriff or constable who serves  
11 process and attends examining trial in certain cases (Art. 102.011,  
12 Code of Criminal Procedure) . . . not to exceed \$5;

13 (4) services of a peace officer in conveying a witness  
14 outside the county (Art. 102.011, Code of Criminal Procedure) . . .  
15 \$10 per day or part of a day, plus actual necessary travel expenses;

16 (5) overtime of peace officer for time spent  
17 testifying in the trial or traveling to or from testifying in the  
18 trial (Art. 102.011, Code of Criminal Procedure) . . . actual cost;

19 (6) court costs on an offense relating to rules of the  
20 road, when offense occurs within a school crossing zone (Art.  
21 102.014, Code of Criminal Procedure) . . . \$25;

22 (7) court costs on an offense of passing a school bus  
23 (Art. 102.014, Code of Criminal Procedure) . . . \$25;

24 (8) court costs on an offense of truancy or  
25 contributing to truancy (Art. 102.014, Code of Criminal Procedure)  
26 . . . \$20;

27 (9) cost for visual recording of intoxication arrest

1 before conviction (Art. 102.018, Code of Criminal Procedure) . . .

2 \$15;

3 (10) cost of certain evaluations (Art. 102.018, Code  
4 of Criminal Procedure) . . . actual cost;

5 (11) additional costs attendant to certain  
6 intoxication convictions under Chapter 49, Penal Code, for  
7 emergency medical services, trauma facilities, and trauma care  
8 systems (Art. 102.0185, Code of Criminal Procedure) . . . \$100;

9 (12) additional costs attendant to certain child  
10 sexual assault and related convictions, for child abuse prevention  
11 programs (Art. 102.0186, Code of Criminal Procedure) . . . \$100;

12 (13) court cost for DNA testing for certain felonies  
13 (Art. 102.020(a)(1), Code of Criminal Procedure) . . . \$250;

14 (14) court cost for DNA testing for the offense of  
15 public lewdness or indecent exposure (Art. 102.020(a)(2), Code of  
16 Criminal Procedure) . . . \$50;

17 (15) court cost for DNA testing for certain felonies  
18 (Art. 102.020(a)(3), Code of Criminal Procedure) . . . \$34;

19 (16) if required by the court, a restitution fee for  
20 costs incurred in collecting restitution installments and for the  
21 compensation to victims of crime fund (Art. 42.037, Code of  
22 Criminal Procedure) . . . \$12;

23 (17) if directed by the justice of the peace or  
24 municipal court judge hearing the case, court costs on conviction  
25 in a criminal action (Art. 45.041, Code of Criminal Procedure)  
26 . . . part or all of the costs as directed by the judge; and

27 (18) costs attendant to convictions under Chapter 49,

1 Penal Code, and under Chapter 481, Health and Safety Code, to help  
2 fund specialty [drug] court programs established under Chapter 122,  
3 123, 124, or 125, Government [~~469, Health and Safety~~] Code, or  
4 former law (Art. 102.0178, Code of Criminal Procedure) . . . \$60.

5 SECTION 2.08. (a) Subchapter B, Chapter 103, Government  
6 Code, is amended by adding Section 103.0271 to read as follows:

7 Sec. 103.0271. ADDITIONAL MISCELLANEOUS FEES AND COSTS:  
8 GOVERNMENT CODE. Fees and costs shall be paid or collected under the  
9 Government Code as follows:

10 (1) a program fee for a drug court program (Sec.  
11 123.004, Government Code) . . . not to exceed \$1,000;

12 (2) an alcohol or controlled substance testing,  
13 counseling, and treatment fee (Sec. 123.004, Government Code) . . .  
14 the amount necessary to cover the costs of testing, counseling, and  
15 treatment;

16 (3) a reasonable program fee for a veterans court  
17 program (Sec. 124.005, Government Code) . . . not to exceed \$1,000;  
18 and

19 (4) a testing, counseling, and treatment fee for  
20 testing, counseling, or treatment performed or provided under a  
21 veterans court program (Sec. 124.005, Government Code) . . . the  
22 amount necessary to cover the costs of testing, counseling, or  
23 treatment.

24 (b) Subchapter B, Chapter 103, Government Code, is amended  
25 by adding Section 103.0292 to read as follows:

26 Sec. 103.0292. ADDITIONAL MISCELLANEOUS FEES AND COSTS:  
27 HEALTH AND SAFETY CODE. A nonrefundable program fee for a first

1 offender prostitution prevention program established under Section  
2 169.002, Health and Safety Code, shall be collected under Section  
3 169.005, Health and Safety Code, in a reasonable amount not to  
4 exceed \$1,000, which includes:

5 (1) a counseling and services fee in an amount  
6 necessary to cover the costs of counseling and services provided by  
7 the program;

8 (2) a victim services fee in an amount equal to 10  
9 percent of the total fee; and

10 (3) a law enforcement training fee in an amount equal  
11 to five percent of the total fee.

12 (c) Sections 103.029 and 103.0291, Government Code, are  
13 repealed.

14 SECTION 2.09. Section 493.009(a), Government Code, is  
15 amended to read as follows:

16 (a) The department shall establish a program to confine and  
17 treat:

18 (1) defendants required to participate in the program  
19 under Section 14, Article 42.12, Code of Criminal Procedure; and

20 (2) individuals referred for treatment as part of a  
21 drug court program established under Chapter 123 [~~469, Health and~~  
22 ~~Safety Code,~~] or a similar program created under other law.

23 SECTION 2.10. Section 509.001(1), Government Code, is  
24 amended to read as follows:

25 (1) "Community corrections facility" means a physical  
26 structure, established by the judges described by Section 76.002  
27 after authorization of the establishment of the structure has been

1 included in the local community justice plan, that is operated by a  
2 department or operated for a department by an entity under contract  
3 with the department, for the purpose of treating persons who have  
4 been placed on community supervision or who are participating in a  
5 drug court program established under Chapter 123 or former law  
6 [~~469, Health and Safety Code,~~] and providing services and programs  
7 to modify criminal behavior, deter criminal activity, protect the  
8 public, and restore victims of crime. The term includes:

- 9 (A) a restitution center;
- 10 (B) a court residential treatment facility;
- 11 (C) a substance abuse treatment facility;
- 12 (D) a custody facility or boot camp;
- 13 (E) a facility for an offender with a mental  
14 impairment, as defined by Section 614.001, Health and Safety Code;  
15 and
- 16 (F) an intermediate sanction facility.

17 ARTICLE 3. TRANSITION

18 SECTION 3.01. (a) Except as provided by Subsection (b) of  
19 this section, the change in law made by this Act applies to a  
20 specialty court as defined by Section 121.001, Government Code, as  
21 added by this Act, regardless of whether that court was created  
22 under Subtitle K, Title 2, Government Code, as added by this Act, or  
23 former law.

24 (b) Section 123.001(b), Government Code, as redesignated  
25 and amended by this Act, applies only to an offense committed on or  
26 after the effective date of this Act. An offense committed before  
27 the effective date of this Act is governed by the law in effect when

1 the offense was committed, and the former law is continued in effect  
2 for that purpose. For purposes of this subsection, an offense was  
3 committed before the effective date of this Act if any element of  
4 the offense occurred before that date.

5 (c) Promptly after this Act takes effect, the governor shall  
6 appoint two additional members to the Specialty Courts Advisory  
7 Council under Section 772.0061, Government Code, as amended by this  
8 Act, as follows:

9 (1) one member who has experience as a judge of a  
10 specialty court, to serve a term expiring February 1, 2017; and

11 (2) one member who represents the public, to serve a  
12 term expiring February 1, 2019.

13 (d) The change in law made by this Act in the qualifications  
14 applying to a member of the Specialty Courts Advisory Council does  
15 not affect the entitlement of a member serving on the council  
16 immediately before September 1, 2013, to continue to serve and  
17 function as a member of the council for the remainder of the  
18 member's term. The change in law in the qualifications applies only  
19 to a member appointed on or after September 1, 2013. However, as  
20 the terms of the members serving immediately before September 1,  
21 2013, expire or become vacant, the governor shall make additional  
22 appointments to the council as necessary to comply with Section  
23 772.0061, Government Code, as amended by this Act.

24 (e) To the extent of any conflict, this Act prevails over  
25 another Act of the 83rd Legislature, Regular Session, 2013,  
26 relating to nonsubstantive additions to and corrections in enacted  
27 codes.

