

1-1 By: Canales (Senate Sponsor - Hinojosa) H.B. No. 642
 1-2 (In the Senate - Received from the House May 4, 2015;
 1-3 May 6, 2015, read first time and referred to Committee on Criminal
 1-4 Justice; May 21, 2015, reported favorably by the following vote:
 1-5 Yeas 7, Nays 0; May 21, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to an alcohol awareness program or drug education program
 1-18 for certain minors convicted of or adjudicated to have engaged in,
 1-19 or placed on deferred disposition or community supervision for,
 1-20 certain drug or alcohol related offenses; authorizing a fee.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 11, Article 42.12, Code of Criminal
 1-23 Procedure, is amended by adding Subsection (n) to read as follows:

1-24 (n)(1) If a judge grants community supervision to a
 1-25 defendant younger than 18 years of age convicted of an
 1-26 alcohol-related offense under Section 106.02, 106.025, 106.04,
 1-27 106.041, 106.05, or 106.07, Alcoholic Beverage Code, or Section
 1-28 49.02, Penal Code, or an offense involving possession of a
 1-29 controlled substance or marihuana under Section 481.115, 481.1151,
 1-30 481.116, 481.1161, 481.117, 481.118, or 481.121, Health and Safety
 1-31 Code, the judge may require the defendant as a condition of
 1-32 community supervision to attend, as appropriate, an alcohol
 1-33 awareness program approved under Section 106.115, Alcoholic
 1-34 Beverage Code, or a drug education program that is designed to
 1-35 educate persons on the dangers of drug abuse and is approved by the
 1-36 Department of State Health Services in accordance with Section
 1-37 521.374, Transportation Code.

1-38 (2) If a judge requires a defendant as a condition of
 1-39 community supervision to attend an alcohol awareness program or
 1-40 drug education program described by Subdivision (1), unless the
 1-41 judge determines that the defendant is indigent and unable to pay
 1-42 the cost, the judge shall require the defendant to pay the cost of
 1-43 attending the program. The judge may allow the defendant to pay the
 1-44 cost of attending the program in installments during the term of
 1-45 community supervision.

1-46 SECTION 2. Article 45.051, Code of Criminal Procedure, is
 1-47 amended by amending Subsection (b) and adding Subsection (g) to
 1-48 read as follows:

1-49 (b) During the deferral period, the judge may require the
 1-50 defendant to:

1-51 (1) post a bond in the amount of the fine assessed to
 1-52 secure payment of the fine;

1-53 (2) pay restitution to the victim of the offense in an
 1-54 amount not to exceed the fine assessed;

1-55 (3) submit to professional counseling;

1-56 (4) submit to diagnostic testing for alcohol or a
 1-57 controlled substance or drug;

1-58 (5) submit to a psychosocial assessment;

1-59 (6) participate in an alcohol or drug abuse treatment
 1-60 or education program, such as:

1-61 (A) a drug education program that is designed to

2-1 educate persons on the dangers of drug abuse and is approved by the
 2-2 Department of State Health Services in accordance with Section
 2-3 521.374, Transportation Code; or

2-4 (B) an alcohol awareness program described by
 2-5 Section 106.115, Alcoholic Beverage Code;

2-6 (7) pay the costs of any diagnostic testing,
 2-7 psychosocial assessment, or participation in a treatment or
 2-8 education program either directly or through the court as court
 2-9 costs;

2-10 (8) complete a driving safety course approved under
 2-11 Chapter 1001, Education Code, or another course as directed by the
 2-12 judge;

2-13 (9) present to the court satisfactory evidence that
 2-14 the defendant has complied with each requirement imposed by the
 2-15 judge under this article; and

2-16 (10) comply with any other reasonable condition.

2-17 (g) If a judge requires a defendant under Subsection (b) to
 2-18 attend an alcohol awareness program or drug education program as
 2-19 described by Subdivision (6) of that subsection, unless the judge
 2-20 determines that the defendant is indigent and unable to pay the
 2-21 cost, the judge shall require the defendant to pay the cost of
 2-22 attending the program. The judge may allow the defendant to pay the
 2-23 cost of attending the program in installments during the deferral
 2-24 period.

2-25 SECTION 3. Section 53.03, Family Code, is amended by adding
 2-26 Subsections (h-1) and (h-2) to read as follows:

2-27 (h-1) If the child is alleged to have engaged in delinquent
 2-28 conduct or conduct indicating a need for supervision that violates
 2-29 Section 481.115, 481.1151, 481.116, 481.1161, 481.117, 481.118, or
 2-30 481.121, Health and Safety Code, deferred prosecution under this
 2-31 section may include a condition that the child attend a drug
 2-32 education program that is designed to educate persons on the
 2-33 dangers of drug abuse and is approved by the Department of State
 2-34 Health Services in accordance with Section 521.374, Transportation
 2-35 Code.

2-36 (h-2) If the child is alleged to have engaged in delinquent
 2-37 conduct or conduct indicating a need for supervision that violates
 2-38 Section 106.02, 106.025, 106.04, 106.041, 106.05, or 106.07,
 2-39 Alcoholic Beverage Code, or Section 49.02, Penal Code, deferred
 2-40 prosecution under this section may include a condition that the
 2-41 child attend an alcohol awareness program described by Section
 2-42 106.115, Alcoholic Beverage Code.

2-43 SECTION 4. Section 54.047, Family Code, is amended to read
 2-44 as follows:

2-45 Sec. 54.047. ALCOHOL OR DRUG RELATED OFFENSE. (a) If the
 2-46 court or jury finds at an adjudication hearing for a child that the
 2-47 child engaged in delinquent conduct or conduct indicating a need
 2-48 for supervision [~~or delinquent conduct~~] that constitutes a
 2-49 violation of Section 481.115, 481.1151, 481.116, 481.1161,
 2-50 481.117, 481.118, or 481.121, Health and Safety Code, the court may
 2-51 order that the child attend a drug education program that is
 2-52 designed to educate persons on the dangers of drug abuse and is
 2-53 approved by the Department of State Health Services in accordance
 2-54 with Section 521.374, Transportation Code.

2-55 (b) If the court or jury finds at an adjudication hearing
 2-56 for a child that the child engaged in delinquent conduct or conduct
 2-57 indicating a need for supervision that violates the alcohol-related
 2-58 offenses in Section 106.02, 106.025, 106.04, 106.041, 106.05, or
 2-59 106.07, Alcoholic Beverage Code, or Section 49.02, Penal Code, the
 2-60 court may order that the child attend an alcohol awareness program
 2-61 described by Section 106.115, Alcoholic Beverage Code.

2-62 (c) The court shall, in addition to any order described by
 2-63 Subsection (a) or (b), [~~subject to a finding under Section~~
 2-64 54.04(c),] order[, in addition to any other order authorized by
 2-65 this title,] that, in the manner provided by Section 106.071(d),
 2-66 Alcoholic Beverage Code:

2-67 (1) the child perform community service; and

2-68 (2) the child's driver's license or permit be
 2-69 suspended or that the child be denied issuance of a driver's license

3-1 or permit.

3-2 (d) An order under this section:

3-3 (1) is subject to a finding under Section 54.04(c);

3-4 and

3-5 (2) may be issued in addition to any other order

3-6 authorized by this title.

3-7 (e) The Department of State Health Services:

3-8 (1) is responsible for the administration of the

3-9 certification of drug education programs;

3-10 (2) may charge a nonrefundable application fee for:

3-11 (A) initial certification of approval; or

3-12 (B) renewal of the certification;

3-13 (3) shall adopt rules regarding drug education

3-14 programs approved under this section; and

3-15 (4) shall monitor and provide training to a person who

3-16 provides a drug education program.

3-17 (f) If the court orders a child under Subsection (a) or (b)

3-18 to attend a drug education program or alcohol awareness program,

3-19 unless the court determines that the parent or guardian of the child

3-20 is indigent and unable to pay the cost, the court shall require the

3-21 child's parent or a guardian of the child to pay the cost of

3-22 attending the program. The court shall allow the child's parent or

3-23 guardian to pay the cost of attending the program in installments.

3-24 SECTION 5. Section 521.374(a), Transportation Code, is

3-25 amended to read as follows:

3-26 (a) A person whose license is suspended under Section

3-27 521.372 may attend an educational program, approved by the

3-28 Department of State Health Services [~~Texas Commission on Alcohol~~

3-29 ~~and Drug Abuse~~] under rules adopted by the executive commissioner

3-30 of the Health and Human Services Commission [~~commission~~] and the

3-31 department, that is designed to educate persons on the dangers of

3-32 drug abuse.

3-33 SECTION 6. This Act takes effect September 1, 2015.

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