

1-1 By: Guillen (Senate Sponsor - Johnson) H.B. No. 5183
1-2 (In the Senate - Received from the House May 3, 2023;
1-3 May 5, 2023, read first time and referred to Committee on Criminal
1-4 Justice; May 21, 2023, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-6 May 21, 2023, sent to printer.)

1-7	COMMITTEE VOTE				
1-8		Yea	Nay	Absent	PNV
1-9	Whitmire	X			
1-10	Flores	X			
1-11	Bettencourt	X			
1-12	Hinojosa	X			
1-13	Huffman	X			
1-14	King	X			
1-15	Miles	X			

1-16 COMMITTEE SUBSTITUTE FOR H.B. No. 5183 By: Flores

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to educational programs for persons whose driver's license
1-20 is suspended following conviction of certain drug offenses.

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

1-22 SECTION 1. Section 106.115(a), Alcoholic Beverage Code, as
1-23 amended by Chapters 663 (H.B. 1560) and 948 (S.B. 1480), Acts of the
1-24 87th Legislature, Regular Session, 2021, is reenacted and amended
1-25 to read as follows:

1-26 (a) On the placement of a minor on deferred disposition for
1-27 an offense under Section 49.02, Penal Code, or under Section
1-28 106.02, 106.025, 106.04, 106.041, 106.05, or 106.07, the court
1-29 shall require the defendant to successfully complete one of the
1-30 following programs:

1-31 (1) an alcohol awareness program under this section
1-32 that is regulated under Chapter 171, Government Code; or

1-33 (2) a substance misuse [drug] education program under
1-34 Section 521.374(a)(1), Transportation Code, that is regulated
1-35 under Chapter 171, Government Code[, or

1-36 ~~[(3) a drug and alcohol driving awareness program~~
1-37 ~~under Section 1001.103, Education Code].~~

1-38 SECTION 2. Section 106.115(a-1), Alcoholic Beverage Code,
1-39 is amended to read as follows:

1-40 (a-1) On conviction of a minor of an offense under Section
1-41 49.02, Penal Code, or Section 106.02, 106.025, 106.04, 106.041,
1-42 106.05, or 106.07, the court, in addition to assessing a fine as
1-43 provided by those sections, shall require a defendant who has not
1-44 been previously convicted of an offense under one of those sections
1-45 to successfully complete an alcohol awareness program or[,] a
1-46 substance misuse [drug] education program[, or a drug and alcohol
1-47 driving awareness program described by Subsection (a)]. If the
1-48 defendant has been previously convicted once or more of an offense
1-49 under one or more of those sections, the court may require the
1-50 defendant to successfully complete an alcohol awareness program
1-51 or[,] a substance misuse [drug] education program[, or a drug and
1-52 alcohol driving awareness program described by Subsection (a)].

1-53 SECTION 3. Article 42A.514, Code of Criminal Procedure, is
1-54 amended to read as follows:

1-55 Art. 42A.514. COMMUNITY SUPERVISION FOR CERTAIN ALCOHOL OR
1-56 DRUG RELATED OFFENSES. (a) If a judge grants community
1-57 supervision to a defendant younger than 18 years of age convicted of
1-58 an alcohol-related offense under Section 106.02, 106.025, 106.04,
1-59 106.041, 106.05, or 106.07, Alcoholic Beverage Code, or Section
1-60 49.02, Penal Code, or an offense involving possession of a

controlled substance or marihuana under Section [481.115](#), [481.1151](#), [481.116](#), [481.1161](#), [481.117](#), [481.118](#), or [481.121](#), Health and Safety Code, the judge may require the defendant as a condition of community supervision to successfully complete, as appropriate:

(1) an alcohol awareness program under Section [106.115](#), Alcoholic Beverage Code, that is regulated by the Texas Department of Licensing and Regulation under Chapter [171](#), Government Code; or

(2) a substance misuse ~~[drug]~~ education program that is designed to educate persons on the dangers of substance misuse ~~[drug—abuse]~~ in accordance with Section [521.374](#)(a)(1), Transportation Code, and that is regulated by the Texas Department of Licensing and Regulation under Chapter [171](#), Government Code.

(b) If a judge requires a defendant as a condition of community supervision to attend an alcohol awareness program or substance misuse ~~[drug]~~ education program described by Subsection (a), unless the judge determines that the defendant is indigent and unable to pay the cost, the judge shall require the defendant to pay the cost of attending the program. The judge may allow the defendant to pay the cost of attending the program in installments during the term of community supervision.

SECTION 4. Articles [45.051](#)(b) and (g), Code of Criminal Procedure, are amended to read as follows:

(b) During the deferral period, the judge may require the defendant to:

(1) post a bond in the amount of the fine assessed as punishment for the offense to secure payment of the fine;

(2) pay restitution to the victim of the offense in an amount not to exceed the fine assessed as punishment for the offense;

(3) submit to professional counseling;

(4) submit to diagnostic testing for alcohol or a controlled substance or drug;

(5) submit to a psychosocial assessment;

(6) successfully complete an alcohol awareness or substance misuse ~~[drug—abuse]~~ treatment or education program, such as:

(A) a substance misuse ~~[drug]~~ education program that is designed to educate persons on the dangers of substance misuse ~~[drug—abuse]~~ in accordance with Section [521.374](#)(a)(1), Transportation Code, and that is regulated by the Texas Department of Licensing and Regulation under Chapter [171](#), Government Code; or

(B) an alcohol awareness program described by Section [106.115](#), Alcoholic Beverage Code, that is regulated by the Texas Department of Licensing and Regulation under Chapter [171](#), Government Code;

(7) pay as reimbursement fees the costs of any diagnostic testing, psychosocial assessment, or participation in a treatment or education program either directly or through the court as court costs;

(8) complete a driving safety course approved under Chapter [1001](#), Education Code, or another course as directed by the judge;

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

(10) comply with any other reasonable condition.

(g) If a judge requires a defendant under Subsection (b) to successfully complete an alcohol awareness program or substance misuse ~~[drug]~~ education program as described by Subdivision (6) of that subsection, unless the judge determines that the defendant is indigent and unable to pay the cost, the judge shall require the defendant to pay a reimbursement fee for the cost of the program. The judge may allow the defendant to pay the fee in installments during the deferral period.

SECTION 5. Section [53.03](#)(h-1), Family Code, is amended to read as follows:

(h-1) If the child is alleged to have engaged in delinquent conduct or conduct indicating a need for supervision that violates

Section [481.115](#), [481.1151](#), [481.116](#), [481.1161](#), [481.117](#), [481.118](#), or [481.121](#), Health and Safety Code, deferred prosecution under this section may include a condition that the child successfully complete a substance misuse ~~[drug]~~ education program that is designed to educate persons on the dangers of substance misuse ~~[drug—abuse]~~ in accordance with Section [521.374](#)(a)(1), Transportation Code, and that is regulated by the Texas Department of Licensing and Regulation under Chapter [171](#), Government Code.

SECTION 6. Sections [54.047](#)(a) and (f), Family Code, are amended to read as follows:

(a) If the court or jury finds at an adjudication hearing for a child that the child engaged in delinquent conduct or conduct indicating a need for supervision that constitutes a violation of Section [481.115](#), [481.1151](#), [481.116](#), [481.1161](#), [481.117](#), [481.118](#), or [481.121](#), Health and Safety Code, the court may order that the child successfully complete a substance misuse ~~[drug]~~ education program that is designed to educate persons on the dangers of substance misuse ~~[drug—abuse]~~ in accordance with Section [521.374](#)(a)(1), Transportation Code, and that is regulated by the Texas Department of Licensing and Regulation under Chapter [171](#), Government Code.

(f) If the court orders a child under Subsection (a) or (b) to successfully complete a substance misuse ~~[drug]~~ education program or alcohol awareness program, unless the court determines that the parent or guardian of the child is indigent and unable to pay the cost, the court shall require the child's parent or a guardian of the child to pay the cost of the program. The court shall allow the child's parent or guardian to pay the cost of the program in installments.

SECTION 7. Section [521.374](#), Transportation Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) A person whose license is suspended under Section [521.372](#) may:

(1) successfully complete an in-person or online educational program, approved by the Texas Department of Licensing and Regulation under Chapter [171](#), Government Code, that is designed to educate persons on the dangers of substance misuse ~~[drug—abuse]~~; or

(2) successfully complete education on the dangers of substance misuse ~~[drug—abuse approved by the Department of State Health Services as]~~ equivalent to the educational program described by Subdivision (1), while the person is a resident of a facility for the treatment of substance misuse ~~[drug—abuse]~~ or chemical dependency, including:

(A) a substance abuse treatment facility or substance abuse felony punishment facility operated by the Texas Department of Criminal Justice under Section [493.009](#), Government Code;

(B) a community corrections facility, as defined by Section [509.001](#), Government Code; or

(C) a chemical dependency treatment facility licensed under Chapter [464](#), Health and Safety Code.

(a-1) The Texas Department of Criminal Justice shall approve the equivalent education in facilities described by Subsections (a)(2)(A) and (B). The Health and Human Services Commission shall approve the equivalent education in a facility described by Subsection (a)(2)(C).

SECTION 8. Section [521.375](#)(c), Transportation Code, is amended to read as follows:

(c) The Health and Human ~~[Department of State Health] Services Commission~~ shall publish the jointly adopted rules under Subsection (a-1).

SECTION 9. The heading to Section [521.376](#), Transportation Code, is amended to read as follows:

Sec. 521.376. DUTIES OF TEXAS DEPARTMENT OF LICENSING AND REGULATION, HEALTH AND HUMAN ~~[AND DEPARTMENT OF STATE HEALTH] SERVICES COMMISSION, AND TEXAS DEPARTMENT OF CRIMINAL JUSTICE;~~ APPLICATION AND RENEWAL FEES.

SECTION 10. Section [521.376](#), Transportation Code, is

4-1 amended by amending Subsection (b) and adding Subsection (c) to
 4-2 read as follows:

4-3 (b) The Health and Human [~~Department of State Health~~]
 4-4 Services Commission:

4-5 (1) shall monitor a chemical dependency treatment
 4-6 facility's compliance with providing the approved educational
 4-7 program as [~~, coordinate, and provide training to residential~~
 4-8 ~~treatment facilities~~] described by Section 521.374(a)(2) providing
 4-9 equivalent education; and

4-10 (2) shall administer the approval of the equivalent
 4-11 education provided in a chemical dependency [~~residential~~]
 4-12 treatment facility described by Section 521.374(a)(2)(C).

4-13 (c) The Texas Department of Criminal Justice:

4-14 (1) shall monitor the compliance of a facility
 4-15 described by Section 521.374(a)(2)(A) or (B) with providing the
 4-16 approved educational program as described by Section 521.374(a)(2)
 4-17 providing equivalent education; and

4-18 (2) shall administer the approval of the equivalent
 4-19 educational program provided in a facility described by Section
 4-20 521.374(a)(2)(A) or (B).

4-21 SECTION 11. This Act takes effect immediately if it
 4-22 receives a vote of two-thirds of all the members elected to each
 4-23 house, as provided by Section 39, Article III, Texas Constitution.
 4-24 If this Act does not receive the vote necessary for immediate
 4-25 effect, this Act takes effect September 1, 2023.

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