

By: Allen

H.B. No. 2668

A BILL TO BE ENTITLED

AN ACT

1
2 relating to corrections programs established for the punishment and
3 supervision of persons convicted of offenses under the Texas
4 Controlled Substance Act involving small amounts of controlled
5 substances; providing penalties.

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

7 SECTION 1. Section 76.003, Government Code, is amended by
8 adding Subsection (b-1) to read as follows:

9 (b-1) A judge of a drug court served by the department or a
10 designee of the judge shall serve on the council.

11 SECTION 2. Section 509.011, Government Code, is amended by
12 adding Subsection (b-1) to read as follows:

13 (b-1) The community justice assistance division, in making
14 discretionary grants under Subsection (b), shall give priority to
15 making grants to counties and community supervision and corrections
16 departments that cooperatively perate a drug court program.

17 SECTION 3. Chapter 469, Health and Safety Code, is amended
18 by adding Section 469.0021 to read as follows:

19 Sec. 469.0021. COOPERATION WITH COMMUNITY SUPERVISION AND
20 CORRECTIONS DEPARTMENT. In establishing and maintaining a program
21 created under this chapter, the commissioners court shall cooperate
22 with the community supervision and corrections department serving
23 the county.

24 SECTION 4. Section 481.115(b), Health and Safety Code, is

1 amended to read as follows:

2 (b) An offense under Subsection (a) is a Class A misdemeanor
3 with mandatory intensive narcotics supervision or confinement
4 [~~state jail felony~~] if the amount of the controlled substance
5 possessed is, by aggregate weight, including adulterants or
6 dilutants, less than one gram.

7 SECTION 5. Section 481.116(b), Health and Safety Code, is
8 amended to read as follows:

9 (b) An offense under Subsection (a) is a Class A misdemeanor
10 with mandatory intensive narcotics supervision or confinement
11 [~~state jail felony~~] if the amount of the controlled substance
12 possessed is, by aggregate weight, including adulterants or
13 dilutants, less than one gram.

14 SECTION 6. Subchapter D, Chapter 481, Health and Safety
15 Code, is amended by adding Section 481.106 to read as follows:

16 Sec. 481.106. INTENSIVE NARCOTICS SUPERVISION OR
17 CONFINEMENT. A defendant convicted under Subsections 481.115(b) or
18 481.116(b) of this chapter shall be punished by confinement in jail
19 or supervision imposed by a drug court. The term of confinement and
20 period of supervision imposed by a drug court may not exceed two
21 years in length. The term of confinement imposed by a drug court
22 may not exceed a total of one year in length.

23 SECTION 7. This Act takes effect September 1, 2003.