

## **BILL ANALYSIS**

Senate Research Center  
79R9789 PEP-D

H.B. 2791  
By: Hodge (Deuell)  
Criminal Justice  
5/19/2005  
Engrossed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Under Chapter 469, Health and Safety Code, counties may establish pre-trial diversion drug treatment courts. The Dallas County DIVERT Court does not indict defendants who participate in its program. Under current law, those participants can not access treatment in a Community Corrections Facility that operates as a Substance Abuse Treatment Facility because they are not on community supervision. H.B. 2791 allows pre-trial drug treatment court participants to access long term residential treatment in a facility funded by the Community Justice Assistance Division.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Board of Criminal Justice in SECTION 1 (Section 493.009, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 76.017(b) and (d), Government Code, as follows:

(b) Requires the Treatment Alternative Incarceration Program to meet certain requirements, including making referrals for the appropriate treatment of a person determined to be in need of treatment, including referrals to a community corrections facility as defined by Section 509.001 (Definitions).

(h) Authorizes a magistrate to order a person to participate in a treatment program recommended under this section, including treatment in a drug court program established under Chapter 469 (Drug Court Programs), Health and Safety Code, as a condition of bond or condition of pretrial.

SECTION 2. Amends Section 493.009, Government Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Requires the Texas Department of Criminal Justice to establish a program to confine and treat individuals referred for treatment as part of a drug court program established under Chapter 469, Health and Safety Code, or a similar program created under other law. Deletes existing text relating to cooperating with the Texas Commission on Alcohol and Drug Abuse.

(a-1) Authorizes the Texas Board of Criminal Justice, by rule, to modify requirements imposed by this section and Article 42.12 (Community Supervision), Code of Criminal Procedure, as necessary to properly treat individuals who are not participating in the program as a condition of community supervision.

SECTION 3. Amends Section 509.001(1), Government Code, to redefine "community corrections facility."

SECTION 4. Amends Sections 18(b), (d), and (i), Article 42.12, Code of Criminal Procedure, as follows:

(b) Makes a conforming change.

(d) Includes language establishing drug court programs.

(i) Requires the employer of the defendant, if a judge who places a defendant on community supervision under this section does not require the defendant to deliver the defendant's salary to the restitution center director, to deliver the salary to the director.

SECTION 5. Effective date: upon passage or September 1, 2005.