

## **BILL ANALYSIS**

C.S.H.B. 2791  
By: Hodge  
Criminal Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

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. C.S.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**

It is the committee's opinion that rulemaking authority is expressly granted to the Board of Criminal Justice in SECTION 2 (Section 493.009, Government Code) of this bill.

### **ANALYSIS**

C.S.H.B. 2791 amends the definition of "community corrections facility" to include persons who are participating in a drug court program established under Chapter 469, Health and Safety Code and allows for the placement of an individual in the drug court program without that person having been placed on community supervision.

It 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 without the cooperation of the Texas Commission on Alcohol and Drug Abuse and it also allows the Board of Criminal Justice to modify requirements, as necessary, to treat individuals who are not participating in the program as a condition of community supervision.

It amends the program requirements for a program listed as a Treatment Alternative to Incarceration Program to include referrals to a community corrections facility and Sections 18(b), (d), and (i), Article 42.12, Code of Criminal Procedure are amended to included language establishing drug court programs.

### **EFFECTIVE DATE**

This Act takes effect immediately, if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B. 2791 amends the definition of "community corrections facility" and the requirements for a program listed as a Treatment Alternative to Incarceration Program.

The substitute also eliminates the needed cooperation between the Texas Department of Criminal Justice and the Texas Commission on Alcohol and Drug Abuse to establish a drug treatment program and language is added to Sections 18(b), (d) and (i), Article 42.12, Code of Criminal Procedure.