

By: Allen of Dallas

H.B. No. 1922

A BILL TO BE ENTITLED

AN ACT

relating to deferred adjudication community supervision for certain defendants who enter a drug court program.

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

SECTION 1. Article 42.12, Code of Criminal Procedure, is amended by adding Section 5A to read as follows:

Sec. 5A. DRUG COURT PROGRAM DEFERRED ADJUDICATION.
Notwithstanding any contrary provision of Section 5, if a defendant enters a drug court program established under Chapter 469, Health and Safety Code, based on a charge that the defendant committed an offense under Chapter 481, Health and Safety Code, punishable as a state jail felony, the judge shall place the defendant on deferred adjudication community supervision. If the defendant does not violate a condition of the community supervision and successfully completes the drug court program, the judge shall:

(1) dismiss the proceedings against the defendant and discharge the defendant; and

(2) issue an order of nondisclosure under Section 411.081, Government Code, with respect to the charge against the defendant, provided the defendant is otherwise eligible for the order.

SECTION 2. The change in law made by this Act applies only to a defendant charged with an offense committed on or after the effective date of this Act. A defendant charged with an offense

1 committed before the effective date of this Act is governed by the
2 law in effect when the offense was committed, and the former law is
3 continued in effect for that purpose. For purposes of this section,
4 an offense was committed before the effective date of this Act if
5 any element of the offense was committed before that date.

6 SECTION 3. This Act takes effect September 1, 2005.