

By: Allen of Dallas

H.B. No. 2406

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the procedures that apply to certain defendants who
3 enter a drug court program.

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

5 SECTION 1. Section 469.001, Health and Safety Code, is
6 amended to read as follows:

7 Sec. 469.001. DRUG COURT PROGRAM DEFINED; PROCEDURES FOR
8 CERTAIN DEFENDANTS. (a) In this chapter, "drug court program"
9 means a program that has the following essential characteristics:

10 (1) the integration of alcohol and other drug
11 treatment services in the processing of cases in the judicial
12 system;

13 (2) the use of a nonadversarial approach involving
14 prosecutors and defense attorneys to promote public safety and to
15 protect the due process rights of program participants;

16 (3) early identification and prompt placement of
17 eligible participants in the program;

18 (4) access to a continuum of alcohol, drug, and other
19 related treatment and rehabilitative services;

20 (5) monitoring of abstinence through weekly alcohol
21 and other drug testing;

22 (6) a coordinated strategy to govern program responses
23 to participants' compliance;

24 (7) ongoing judicial interaction with program

1 participants;

2 (8) monitoring and evaluation of program goals and
3 effectiveness;

4 (9) continuing interdisciplinary education to promote
5 effective program planning, implementation, and operations; and

6 (10) development of partnerships with public agencies
7 and community organizations.

8 (b) If a defendant enters a drug court program following an
9 arrest for an offense punishable as a state jail felony, the court
10 shall defer the state jail felony proceedings without entering a
11 plea or an adjudication of guilt. If the defendant successfully
12 completes the program, the court shall dismiss the indictment or
13 information charging the defendant with the commission of the
14 offense and, without requiring an ex parte petition or other
15 request from the defendant, enter an order of expunction under
16 Chapter 55, Code of Criminal Procedure, with respect to all records
17 and files related to the arrest.

18 SECTION 2. The change in law made by this Act applies to a
19 defendant who enters a drug court program under Chapter 469, Health
20 and Safety Code, regardless of whether the defendant committed the
21 offense for which the defendant enters the program before, on, or
22 after the effective date of this Act.

23 SECTION 3. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2005.