

By: Hochberg

H.B. No. 1875

Substitute the following for H.B. No. 1875:

By: Jones

C.S.H.B. No. 1875

A BILL TO BE ENTITLED

AN ACT

relating to the operation and funding of drug court programs.

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

SECTION 1. Chapter 469, Health and Safety Code, is amended by amending Sections 469.003, 469.004, and 469.007 and adding Sections 469.005, 469.008, and 469.009 to read as follows:

Sec. 469.003. OVERSIGHT. (a) The lieutenant governor and the speaker of the house of representatives may assign to appropriate legislative committees duties relating to the oversight of drug court programs established under this chapter [~~Section 469.002~~].

(b) A legislative committee or the governor may request the state auditor to perform a management, operations, or financial or accounting audit of a drug court program established under this chapter [~~Section 469.002~~].

Sec. 469.004. FEES. (a) A drug court program established under this chapter [~~Section 469.002~~] may collect from a participant in the program:

(1) a reasonable program fee not to exceed \$1,000, which may be paid on a periodic basis or on a deferred payment schedule at the discretion of the judge, magistrate, or program director administering the program; and

(2) a urinalysis testing and counseling fee:

(A) based on the participant's ability to pay;

1 and

2 (B) in an amount necessary to cover the costs of
3 the testing and counseling.

4 (b) A drug court program may require a participant to pay
5 all treatment costs incurred while participating in the program,
6 based on the participant's ability to pay.

7 Sec. 469.005. DRUG COURT PROGRAMS EXCLUSIVELY FOR CERTAIN
8 INTOXICATION OFFENSES. (a) The commissioners court of a county may
9 establish under this chapter a drug court program exclusively for
10 persons arrested for, charged with, or convicted of an offense
11 involving the operation of a motor vehicle while intoxicated.

12 (b) A drug court program established under this section must
13 have at least 50 participants during the first four months in which
14 the program is operating.

15 (c) A county that establishes a drug court program under
16 this chapter but does not establish a separate program under this
17 section must employ procedures designed to ensure that a person
18 arrested for, charged with, or convicted of a second or subsequent
19 offense involving the operation of a motor vehicle while
20 intoxicated participates in the county's existing drug court
21 program.

22 Sec. 469.007. USE OF OTHER DRUG AND ALCOHOL AWARENESS
23 PROGRAMS. In addition to using a drug court program established
24 under this chapter [~~Section 469.002~~], the commissioners court of a
25 county or a court may use other drug awareness or drug and alcohol
26 driving awareness programs to treat persons convicted of drug or
27 alcohol related offenses.

1 Sec. 469.008. SUSPENSION OR DISMISSAL OF COMMUNITY SERVICE
2 REQUIREMENT. (a) Notwithstanding Sections 13 and 16, Article
3 42.12, Code of Criminal Procedure, to encourage participation in a
4 drug court program established under this chapter, the judge or
5 magistrate administering the program may suspend any requirement
6 that, as a condition of community supervision, a participant in the
7 program work a specified number of hours at a community service
8 project or projects.

9 (b) On successful completion of a drug court program, a
10 judge or magistrate may excuse the participant from any condition
11 of community supervision previously suspended under Subsection
12 (a).

13 Sec. 469.009. OCCUPATIONAL DRIVER'S LICENSE.
14 Notwithstanding Section 521.242, Transportation Code, if a
15 participant's driver's license has been suspended as a result of an
16 alcohol-related or drug-related enforcement contact, as defined by
17 Section 524.001, Transportation Code, or as a result of a
18 conviction under Section 49.04, 49.07, or 49.08, Penal Code, the
19 judge or magistrate administering a drug court program under this
20 chapter may order that an occupational license be issued to the
21 participant. An order issued under this section is subject to
22 Sections 521.248-521.252, Transportation Code, except that any
23 reference to a petition under Section 521.242 of that code does not
24 apply.

25 SECTION 2. The changes in law made by this Act apply to a
26 person who enters a drug court program under Chapter 469, Health and
27 Safety Code, regardless of whether the person committed the offense

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1 for which the person enters the program before, on, or after the
2 effective date of this Act.

3 SECTION 3. This Act takes effect September 1, 2007.