

By: Hochberg

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 by 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 CERTAIN CONDITIONS
2 OF COMMUNITY SUPERVISION. (a) Notwithstanding Sections 13 and 16,
3 Article 42.12, Code of Criminal Procedure, to encourage
4 participation in a drug court program established under this
5 chapter, the judge or magistrate administering the program may
6 suspend any requirement that, as a condition of community
7 supervision, a participant in the program:

8 (1) not operate a motor vehicle unless the vehicle is
9 equipped with an ignition interlock device, as defined by Section
10 521.241, Transportation Code; or

11 (2) work a specified number of hours at a community
12 service project or projects.

13 (b) On successful completion of a drug court program, a
14 judge or magistrate may excuse the participant from any condition
15 of community supervision previously suspended under Subsection
16 (a).

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

1 apply.

2 SECTION 2. Section 4, Article 17.42, Code of Criminal
3 Procedure, is amended to read as follows:

4 Sec. 4. (a) If a court releases an accused on personal bond
5 on the recommendation of a personal bond office, the court shall
6 assess a personal bond fee in an amount equal to the greater of:

7 (1) \$20; or

8 (2) the following applicable amount:

9 (A) three percent of the amount of the bail fixed
10 for the accused, if the personal bond office serves a county that
11 has not established a drug court program; or

12 (B) six percent of the amount of the bail fixed
13 for the accused, if the personal bond office serves a county that
14 has established a drug court program [~~whichever is greater~~].

15 (b) Notwithstanding Subsection (a), the [~~The~~] court may
16 waive the fee or assess a lesser fee if good cause is shown.

17 (c) If the personal bond office serves a county that has not
18 established a drug court program, fees [~~(b) Fees~~] collected under
19 this article may be used solely to defray expenses of the personal
20 bond office, including defraying the expenses of extradition. If
21 the personal bond office serves a county that has established a drug
22 court program, one-half of the fees collected under this article
23 shall be used to defray expenses of the personal bond office,
24 including defraying the expenses of extradition, and the remaining
25 one-half of the fees collected shall be used to defray expenses of
26 operating the drug court program.

27 (d) [~~(c)~~] Fees collected under this article shall be

1 deposited in the county treasury. If [~~, or if~~] the personal bond
2 office serves more than one county, none of which has established a
3 drug court program, the fees shall be apportioned to each county in
4 the district according to each county's pro rata share of the costs
5 of the office. If the personal bond office serves more than one
6 county, including a county that has established a drug court
7 program, the additional amount of the personal bond fee collected
8 under this section, because at least one of the counties has
9 established a drug court program, shall be divided equally among
10 each county in the district that has established such a program.
11 The remaining amount of the fees collected shall be apportioned to
12 each county in the district according to each county's pro rata
13 share of the costs of the office.

14 (e) In this section, "drug court program" means a drug court
15 program established by a county commissioners court under Chapter
16 469, Health and Safety Code.

17 SECTION 3. (a) The change in law made by this Act to Chapter
18 469, Health and Safety Code, applies to a person who enters a drug
19 court program under that chapter regardless of whether the person
20 committed the offense for which the person enters the program
21 before, on, or after the effective date of this Act.

22 (b) The change in law made by this Act to Article 17.42, Code
23 of Criminal Procedure, applies only to a personal bond fee that is
24 assessed under that article on or after the effective date of this
25 Act.

26 SECTION 4. This Act takes effect September 1, 2007.