

By: Hinojosa

S.B. No. 1682

A BILL TO BE ENTITLED

AN ACT

relating to periodic court approval of participation by a criminal defendant in a pretrial intervention program.

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

SECTION 1. Chapter 42, Code of Criminal Procedure, is amended by adding Article 42.121 to read as follows:

Art. 42.121. PARTICIPATION IN PRETRIAL INTERVENTION PROGRAM. (a) A prosecuting attorney must obtain the approval of the court in which the defendant's case is pending before enrolling the defendant in a pretrial intervention program under Section 76.011, Government Code.

(b) The court must approve a defendant's continued participation in a pretrial intervention program not later than the 60th day after the later of the date the court:

(1) approved the defendant's initial enrollment in the program; or

(2) last approved the defendant's continued participation in the program.

(c) Before approving a defendant's continued participation in a pretrial intervention program, the court must obtain from the prosecuting attorney information regarding:

(1) any agreement made between the prosecuting attorney and the defendant;

(2) the defendant's progress in complying with

1 conditions imposed under the agreement; and

2 (3) the prosecuting attorney's opinion of the  
3 likelihood that the defendant will successfully complete the  
4 conditions imposed by the agreement.

5 SECTION 2. Article 42.121, Code of Criminal Procedure, as  
6 added by this Act, applies only to a defendant whose criminal  
7 prosecution is pending on the effective date of this Act and who has  
8 not enrolled in a pretrial intervention program established under  
9 Section 76.011, Government Code, before that date. A defendant who  
10 is enrolled in a pretrial intervention program on the effective  
11 date of this Act is governed by the law in effect at the time the  
12 defendant enrolled in the program, except that the defendant is  
13 subject to court approval of the defendant's continued  
14 participation in the program as provided by Articles 42.121(b) and  
15 (c), Code of Criminal Procedure, as added by this Act.

16 SECTION 3. This Act takes effect September 1, 2009.