

BILL ANALYSIS

C.S.H.B. 1113
By: Raymond
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The number of juveniles arrested for drug offenses has dramatically increased over the last few years. It is imperative that Texas develop innovative drug prevention education that addresses the growing numbers of both juvenile drug users and juvenile drug dealers.

Recently, a Texas judge tackled this crisis head-on by creating a program that set up a court-in-school situation in which the judge and staff traveled once a month to high school classrooms throughout the county to sentence juvenile defendants who pled guilty to a drug offense. After sentencing, the defendants were provided the opportunity to address the other students attending the court-in-school presentation about the dangers and consequences of the defendant's actions. The time spent addressing the students counts toward the defendant's mandatory community service term. This program has been tremendously successful, and high schools throughout that county continue to partner with the judge to participate in this program. C.S.H.B. 1113 seeks to expand the judge's program statewide in an effort to prevent future occurrences of juvenile drug use through firsthand educational experiences.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1113 amends the Code of Criminal Procedure to authorize a judge to order the sentencing hearing of a defendant convicted of an offense involving possession, manufacture, or delivery of a controlled substance under the Texas Controlled Substances Act to be held at a secondary school if the judge determines that the sentencing hearing would have educational value to students due to the nature of the offense and its consequences; the defendant agrees; the school administration agrees; and appropriate measures are taken to ensure the safety of the students and a fair hearing for the defendant that complies with all applicable laws and rules. The bill authorizes a judge, at a secondary school, to receive a plea of guilty or nolo contendere from a defendant charged with such a controlled substance offense and place the defendant on deferred adjudication community supervision if the judge makes the determination that the proceeding would have educational value to students due to the nature of the offense and its consequences; the defendant and the school administration agree to the location of the proceeding at the school; and appropriate measures are taken to ensure the safety of the students and a fair hearing for the defendant that complies with all applicable laws and rules.

C.S.H.B. 1113 authorizes a judge who orders a defendant placed on community supervision for a controlled substance offense to perform community service to authorize the defendant to perform not more than 30 hours of community outreach in lieu of hours of community service. The bill establishes that community outreach consists of working in conjunction with a secondary school at the direction of the judge to educate students on the dangers and legal consequences of possessing, manufacturing, or delivering controlled substances. The bill specifies that a

secondary school is not required to allow a defendant to perform community outreach at that school. The bill prohibits a judge from authorizing the defendant to perform hours of community outreach in lieu of hours of community service if the defendant is physically or mentally incapable of participating in community outreach or the defendant is subject to registration under the sex offender registration program.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1113 differs from the original by conditioning the authorization for a judge to order the sentencing hearing of a defendant convicted of a certain controlled substances offense to be held at a secondary school on the school administration's agreement, whereas the original conditions that authorization on the school administration's agreement if the secondary school is private. The substitute differs from the original by conditioning the authorization for a judge to receive at a secondary school a plea of guilty or nolo contendere from such a defendant and place the defendant on deferred adjudication community supervision on the school administration's agreement to the location of a deferred adjudication proceeding, whereas the original conditions that authorization on the school administration's agreement if the secondary school is private.

C.S.H.B. 1113 omits provisions included in the original requiring each court that hears criminal cases in Texas to hold a sentencing hearing or deferred adjudication proceeding at a secondary school at least 12 times in each calendar year, with certain exceptions.

C.S.H.B. 1113 differs from the original by specifying that a secondary school is not required to allow a defendant to perform community outreach at that school, whereas the original makes that specification apply only to a private secondary school. The substitute differs from the original in nonsubstantive ways.