

By: Raymond, Gallego, Christian

H.B. No. 1113

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the sentencing hearing or deferred adjudication hearing
3 and conditions of community supervision for defendants convicted of
4 certain offenses involving controlled substances.

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

6 SECTION 1. Chapter 42, Code of Criminal Procedure, is
7 amended by adding Article 42.025 to read as follows:

8 Art. 42.025. SENTENCING HEARING AT SECONDARY SCHOOL. (a) A
9 judge may order the sentencing hearing of a defendant convicted of
10 an offense involving possession, manufacture, or delivery of a
11 controlled substance under Chapter 481, Health and Safety Code, to
12 be held at a secondary school if:

13 (1) the judge determines that the sentencing hearing
14 would have educational value to students due to the nature of the
15 offense and its consequences;

16 (2) the defendant agrees;

17 (3) the school administration agrees; and

18 (4) appropriate measures are taken to ensure:

19 (A) the safety of the students; and

20 (B) a fair hearing for the defendant that
21 complies with all applicable laws and rules.

22 (b) A judge may, at a secondary school, receive a plea of
23 guilty or nolo contendere from a defendant charged with an offense
24 described by Subsection (a) and place the defendant on deferred

1 adjudication under Section 5, Article 42.12, if:

2 (1) the judge makes the determination that the
3 proceeding would have educational value, as provided by Subsection
4 (a)(1);

5 (2) the defendant and the school agree to the location
6 of the proceeding, as provided by Subsections (a)(2) and (3); and

7 (3) appropriate measures are taken in regard to the
8 safety of students and the rights of the defendant, as described by
9 Subsection (a)(4).

10 SECTION 2. Section 16, Article 42.12, Code of Criminal
11 Procedure, is amended by adding Subsection (g) to read as follows:

12 (g) If the judge orders a defendant placed on community
13 supervision for an offense involving possession, manufacture, or
14 delivery of a controlled substance under Chapter 481, Health and
15 Safety Code, to perform community service, the judge may authorize
16 the defendant to perform not more than 30 hours of community
17 outreach under this subsection in lieu of hours of community
18 service. Community outreach under this subsection consists of
19 working in conjunction with a secondary school at the direction of
20 the judge to educate students on the dangers and legal consequences
21 of possessing, manufacturing, or delivering controlled substances.
22 A secondary school is not required to allow a defendant to perform
23 community outreach at that school. The judge may not authorize the
24 defendant to perform hours of community outreach under this
25 subsection in lieu of hours of community service if:

26 (1) the defendant is physically or mentally incapable
27 of participating in community outreach; or

1 (2) the defendant is subject to registration as a sex
2 offender under Chapter 62.

3 SECTION 3. The change in law made by this Act applies to a
4 defendant charged with an offense involving possession,
5 manufacture, or delivery of a controlled substance under Chapter
6 481, Health and Safety Code, who is sentenced or enters a plea of
7 guilty or nolo contendere under Section 5, Article 42.12, Code of
8 Criminal Procedure, on or after the effective date of this Act.

9 SECTION 4. This Act takes effect September 1, 2011.