

By: Raymond

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, if the secondary
18 school is private; and

19 (4) appropriate measures are taken to ensure:

20 (A) the safety of the students; and

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

23 (b) A judge may, at a secondary school, receive a plea of
24 guilty or nolo contendere from a defendant charged with an offense

1 described by Subsection (a) and place the defendant on deferred
2 adjudication under Section 5, Article 42.12, if:

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

6 (2) the defendant and the school, if the secondary
7 school is private, agree to the location of the proceeding, as
8 provided by Subsections (a)(2) and (3); and

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

12 (c) Each court that hears criminal cases in this state must
13 hold a sentencing hearing or deferred adjudication proceeding at a
14 secondary school under Subsection (a) or (b), as appropriate, at
15 least 12 times in each calendar year, unless:

16 (1) the court is not assigned a sufficient number of
17 appropriate cases involving possession, manufacture, or delivery
18 of a controlled substance; or

19 (2) fewer than 12 defendants agree to a sentencing
20 hearing or deferred adjudication proceeding at a secondary school
21 under Subsection (a) or (b), as appropriate.

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

24 (g) If the judge orders a defendant placed on community
25 supervision for an offense involving possession, manufacture, or
26 delivery of a controlled substance under Chapter 481, Health and
27 Safety Code, to perform community service, the judge may authorize

1 the defendant to perform not more than 30 hours of community
2 outreach under this subsection in lieu of hours of community
3 service. Community outreach under this subsection consists of
4 working in conjunction with a secondary school at the direction of
5 the judge to educate students on the dangers and legal consequences
6 of possessing, manufacturing, or delivering controlled substances.
7 A private secondary school is not required to allow a defendant to
8 perform community outreach at that school. The judge may not
9 authorize the defendant to perform hours of community outreach
10 under this subsection in lieu of hours of community service if:

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

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

15 SECTION 3. The change in law made by this Act applies to a
16 defendant who is charged with an offense involving possession,
17 manufacture, or delivery of a controlled substance under Chapter
18 481, Health and Safety Code, and is sentenced or enters a plea of
19 guilty or nolo contendere under Section 5, Article 42.12, Code of
20 Criminal Procedure, on or after the effective date of this Act.

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