

1-1 By: Raymond, Gallego, Christian H.B. No. 1113  
1-2 (Senate Sponsor - Zaffirini)  
1-3 (In the Senate - Received from the House May 4, 2011;  
1-4 May 5, 2011, read first time and referred to Committee on Criminal  
1-5 Justice; May 21, 2011, reported favorably by the following vote:  
1-6 Yeas 6, Nays 0; May 21, 2011, sent to printer.)

1-7 A BILL TO BE ENTITLED  
1-8 AN ACT

1-9 relating to the sentencing hearing or deferred adjudication hearing  
1-10 and conditions of community supervision for defendants convicted of  
1-11 certain offenses involving controlled substances.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 42, Code of Criminal Procedure, is  
1-14 amended by adding Article 42.025 to read as follows:

1-15 Art. 42.025. SENTENCING HEARING AT SECONDARY SCHOOL. (a) A  
1-16 judge may order the sentencing hearing of a defendant convicted of  
1-17 an offense involving possession, manufacture, or delivery of a  
1-18 controlled substance under Chapter 481, Health and Safety Code, to  
1-19 be held at a secondary school if:

1-20 (1) the judge determines that the sentencing hearing  
1-21 would have educational value to students due to the nature of the  
1-22 offense and its consequences;

1-23 (2) the defendant agrees;

1-24 (3) the school administration agrees; and

1-25 (4) appropriate measures are taken to ensure:

1-26 (A) the safety of the students; and

1-27 (B) a fair hearing for the defendant that  
1-28 complies with all applicable laws and rules.

1-29 (b) A judge may, at a secondary school, receive a plea of  
1-30 guilty or nolo contendere from a defendant charged with an offense  
1-31 described by Subsection (a) and place the defendant on deferred  
1-32 adjudication under Section 5, Article 42.12, if:

1-33 (1) the judge makes the determination that the  
1-34 proceeding would have educational value, as provided by Subsection  
1-35 (a)(1);

1-36 (2) the defendant and the school agree to the location  
1-37 of the proceeding, as provided by Subsections (a)(2) and (3); and

1-38 (3) appropriate measures are taken in regard to the  
1-39 safety of students and the rights of the defendant, as described by  
1-40 Subsection (a)(4).

1-41 SECTION 2. Section 16, Article 42.12, Code of Criminal  
1-42 Procedure, is amended by adding Subsection (g) to read as follows:

1-43 (g) If the judge orders a defendant placed on community  
1-44 supervision for an offense involving possession, manufacture, or  
1-45 delivery of a controlled substance under Chapter 481, Health and  
1-46 Safety Code, to perform community service, the judge may authorize  
1-47 the defendant to perform not more than 30 hours of community  
1-48 outreach under this subsection in lieu of hours of community  
1-49 service. Community outreach under this subsection consists of  
1-50 working in conjunction with a secondary school at the direction of  
1-51 the judge to educate students on the dangers and legal consequences  
1-52 of possessing, manufacturing, or delivering controlled substances.  
1-53 A secondary school is not required to allow a defendant to perform  
1-54 community outreach at that school. The judge may not authorize the  
1-55 defendant to perform hours of community outreach under this  
1-56 subsection in lieu of hours of community service if:

1-57 (1) the defendant is physically or mentally incapable  
1-58 of participating in community outreach; or

1-59 (2) the defendant is subject to registration as a sex  
1-60 offender under Chapter 62.

1-61 SECTION 3. The change in law made by this Act applies to a  
1-62 defendant charged with an offense involving possession,  
1-63 manufacture, or delivery of a controlled substance under Chapter  
1-64 481, Health and Safety Code, who is sentenced or enters a plea of

2-1 guilty or nolo contendere under Section 5, Article 42.12, Code of  
2-2 Criminal Procedure, on or after the effective date of this Act.  
2-3 SECTION 4. This Act takes effect September 1, 2011.

2-4

\* \* \* \* \*