

By: Canales

H.B. No. 3632

A BILL TO BE ENTITLED

AN ACT

relating to a mandatory drug, alcohol, and substance abuse education program for certain minors convicted of, or placed on deferred disposition or community supervision for, certain drug or alcohol related offenses; authorizing a fee.

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

SECTION 1. Section 106.115, Alcoholic Beverage Code, is amended by adding Subsections (a-1) and (a-2) to read as follows:

(a-1) The Texas Commission on Alcohol and Drug Abuse may approve as an alcohol awareness program under this section a drug, alcohol, and substance abuse education program approved by the commission under Section 54.047, Family Code.

(a-2) A court may satisfy the requirement of this section by ordering a defendant described by Subsection (a) to attend:

(1) the alcohol awareness program approved under Subsection (a); or

(2) the drug, alcohol, and substance abuse education program approved under Subsection (a-1).

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

(n) If a judge grants community supervision to a defendant younger than 18 years of age convicted of an alcohol-related offense under Section 106.02, 106.025, 106.04, 106.05, or 106.07, Alcoholic Beverage Code, or Section 49.02, Penal Code, or an

1 offense involving possession of a controlled substance under
2 Section 481.115, 481.1151, 481.116, 481.1161, 481.117, 481.118, or
3 481.121, Health and Safety Code, the judge shall require the
4 defendant as a condition of community supervision to attend, as
5 appropriate, an alcohol awareness program approved under Section
6 106.115, Alcoholic Beverage Code, or a drug, alcohol, and substance
7 abuse education program approved under Section 54.047, Family Code.

8 SECTION 3. Article 45.051(b), Code of Criminal Procedure,
9 is amended to read as follows:

10 (b) During the deferral period, the judge may require the
11 defendant to:

12 (1) post a bond in the amount of the fine assessed to
13 secure payment of the fine;

14 (2) pay restitution to the victim of the offense in an
15 amount not to exceed the fine assessed;

16 (3) submit to professional counseling;

17 (4) submit to diagnostic testing for alcohol or a
18 controlled substance or drug;

19 (5) submit to a psychosocial assessment;

20 (6) participate in an alcohol or drug abuse treatment
21 or education program, such as:

22 (A) the drug, alcohol, and substance abuse
23 education program approved by the Texas Commission on Alcohol and
24 Drug Abuse under Section 54.047, Family Code; or

25 (B) the alcohol awareness program described by
26 Section 106.115, Alcoholic Beverage Code;

27 (7) pay the costs of any diagnostic testing,

1 psychosocial assessment, or participation in a treatment or
2 education program either directly or through the court as court
3 costs;

4 (8) complete a driving safety course approved under
5 Chapter 1001, Education Code, or another course as directed by the
6 judge;

7 (9) present to the court satisfactory evidence that
8 the defendant has complied with each requirement imposed by the
9 judge under this article; and

10 (10) comply with any other reasonable condition.

11 SECTION 4. Section 53.03, Family Code, is amended by adding
12 Subsections (h-1) and (h-2) to read as follows:

13 (h-1) If the child is alleged to have engaged in delinquent
14 conduct or conduct indicating a need for supervision that violates
15 Section 481.115, 481.1151, 481.116, 481.1161, 481.117, 481.118, or
16 481.121, Health and Safety Code, deferred prosecution under this
17 section must include a condition that the child attend a drug,
18 alcohol, and substance abuse education program approved by the
19 Texas Commission on Alcohol and Drug Abuse under Section 54.047.

20 (h-2) If the child is alleged to have engaged in delinquent
21 conduct or conduct indicating a need for supervision that violates
22 Section 106.02, 106.025, 106.04, 106.05, or 106.07, Alcoholic
23 Beverage Code, or Section 49.02, Penal Code, deferred prosecution
24 under this section must include a condition that the child attend:

25 (1) a drug, alcohol, and substance abuse education
26 program approved by the Texas Commission on Alcohol and Drug Abuse
27 under Section 54.047; or

1 (2) an alcohol awareness program described by Section
2 106.115, Alcoholic Beverage Code.

3 SECTION 5. Section 54.047, Family Code, is amended to read
4 as follows:

5 Sec. 54.047. ALCOHOL OR DRUG RELATED OFFENSE. (a) If the
6 court or jury finds at an adjudication hearing for a child that the
7 child engaged in delinquent conduct or conduct indicating a need
8 for supervision [~~or delinquent conduct~~] that constitutes a
9 violation of Section 481.115, 481.1151, 481.116, 481.1161,
10 481.117, 481.118, or 481.121, Health and Safety Code, the court
11 shall order that the child attend a drug, alcohol, and substance
12 abuse education program approved by the Texas Commission on Alcohol
13 and Drug Abuse.

14 (b) If the court or jury finds at an adjudication hearing
15 for a child that the child engaged in delinquent conduct or conduct
16 indicating a need for supervision that violates the alcohol-related
17 offenses in Section 106.02, 106.025, 106.04, 106.05, or 106.07,
18 Alcoholic Beverage Code, or Section 49.02, Penal Code, the court
19 shall order that a child attend:

20 (1) the approved drug, alcohol, and substance abuse
21 education program described by this section; or

22 (2) an alcohol awareness program described by Section
23 106.115, Alcoholic Beverage Code.

24 (c) The court shall, in addition to the order described by
25 Subsection (a) or (b), [~~subject to a finding under Section~~
26 ~~54.04(c),~~] order[~~, in addition to any other order authorized by~~
27 ~~this title,~~] that, in the manner provided by Section 106.071(d),

1 Alcoholic Beverage Code:

2 (1) the child perform community service; and

3 (2) the child's driver's license or permit be
4 suspended or that the child be denied issuance of a driver's license
5 or permit.

6 (d) An order under this section:

7 (1) is subject to a finding under Section 54.04(c);
8 and

9 (2) may be issued in addition to any other order
10 authorized by this title.

11 (e) The Texas Commission on Alcohol and Drug Abuse:

12 (1) is responsible for the administration of the
13 certification of drug, alcohol, and substance abuse education
14 programs;

15 (2) may charge a nonrefundable application fee for:

16 (A) initial certification of approval; or

17 (B) renewal of the certification;

18 (3) shall adopt rules regarding drug, alcohol, and
19 substance abuse education programs approved under this section;
20 and

21 (4) shall monitor and provide training to a person who
22 provides a drug, alcohol, and substance abuse education program.

23 SECTION 6. This Act takes effect September 1, 2013.