

1 AN ACT

2 relating to specialty court programs in this state.

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

4 ARTICLE 1. SPECIALTY COURT PROGRAMS

5 SECTION 1.01. Title 2, Government Code, is amended by  
6 adding Subtitle K to read as follows:

7 SUBTITLE K. SPECIALTY COURTS

8 CHAPTER 121. GENERAL PROVISIONS

9 Sec. 121.001. DEFINITION. In this subtitle, "specialty  
10 court" means a court established under this subtitle or former law.

11 Sec. 121.002. OVERSIGHT. (a) The lieutenant governor and  
12 the speaker of the house of representatives may assign to  
13 appropriate legislative committees duties relating to the  
14 oversight of specialty court programs.

15 (b) For the purpose of determining the eligibility of a  
16 specialty court program to receive state or federal grant funds  
17 administered by a state agency, the governor or a legislative  
18 committee to which duties are assigned under Subsection (a) may  
19 request the state auditor to perform a management, operations, or  
20 financial or accounting audit of the program.

21 (c) Notwithstanding any other law, a specialty court  
22 program may not operate until the judge, magistrate, or  
23 coordinator:

24 (1) provides to the criminal justice division of the

1 governor's office:

2 (A) written notice of the program;

3 (B) any resolution or other official declaration  
4 under which the program was established; and

5 (C) a copy of the applicable community justice  
6 plan that incorporates duties related to supervision that will be  
7 required under the program; and

8 (2) receives from the division written verification of  
9 the program's compliance with Subdivision (1).

10 (d) A specialty court program shall:

11 (1) comply with all programmatic best practices  
12 recommended by the Specialty Courts Advisory Council under Section  
13 772.0061(b)(2) and approved by the Texas Judicial Council; and

14 (2) report to the criminal justice division any  
15 information required by the division regarding the performance of  
16 the program.

17 (e) A specialty court program that fails to comply with  
18 Subsections (c) and (d) is not eligible to receive any state or  
19 federal grant funds administered by any state agency.

20 SECTION 1.02. Subchapter J, Chapter 264, Family Code, is  
21 transferred to Subtitle K, Title 2, Government Code, as added by  
22 this Act, redesignated as Chapter 122, Government Code, and amended  
23 to read as follows:

24 CHAPTER 122 [~~SUBCHAPTER J~~]. FAMILY DRUG COURT PROGRAM

25 Sec. 122.001 [~~264.801~~]. FAMILY DRUG COURT PROGRAM DEFINED.

26 In this chapter [~~subchapter~~], "family drug court program" means a  
27 program that has the following essential characteristics:

1           (1) the integration of substance abuse treatment  
2 services in the processing of civil cases in the child welfare  
3 system with the goal of family reunification;

4           (2) the use of a comprehensive case management  
5 approach involving Department of Family and Protective Services  
6 [~~department~~] caseworkers, court-appointed case managers, and  
7 court-appointed special advocates to rehabilitate a parent who has  
8 had a child removed from the parent's care by the department because  
9 of suspected child abuse or neglect and who is suspected of  
10 substance abuse;

11          (3) early identification and prompt placement of  
12 eligible parents who volunteer to participate in the program;

13          (4) comprehensive substance abuse needs assessment  
14 and referral to an appropriate substance abuse treatment agency;

15          (5) a progressive treatment approach with specific  
16 requirements that a parent must meet to advance to the next phase of  
17 the program;

18          (6) monitoring of abstinence through periodic alcohol  
19 or other drug testing;

20          (7) ongoing judicial interaction with program  
21 participants;

22          (8) monitoring and evaluation of program goals and  
23 effectiveness;

24          (9) continuing interdisciplinary education to promote  
25 effective program planning, implementation, and operations; and

26          (10) development of partnerships with public agencies  
27 and community organizations.

1           Sec. 122.002 [~~264.802~~]. AUTHORITY TO ESTABLISH PROGRAM.

2 The commissioners court of a county may establish a family drug  
3 court program for persons who:

4           (1) have had a child removed from their care by the  
5 Department of Family and Protective Services [~~department~~]; and

6           (2) are suspected by the Department of Family and  
7 Protective Services [~~department~~] or a court of having a substance  
8 abuse problem.

9           [~~Sec. 264.803. OVERSIGHT. (a) The lieutenant governor and~~  
10 ~~the speaker of the house of representatives may assign to~~  
11 ~~appropriate legislative committees duties relating to the~~  
12 ~~oversight of family drug court programs established under this~~  
13 ~~subchapter.~~

14           [~~(b) A legislative committee or the governor may request the~~  
15 ~~state auditor to perform a management, operations, or financial or~~  
16 ~~accounting audit of a family drug court program established under~~  
17 ~~this subchapter.~~]

18           Sec. 122.003 [~~264.804~~]. PARTICIPANT PAYMENT FOR TREATMENT  
19 AND SERVICES. A family drug court program may require a participant  
20 to pay the cost of all treatment and services received while  
21 participating in the program, based on the participant's ability to  
22 pay.

23           Sec. 122.004 [~~264.805~~]. FUNDING. A county creating a  
24 family drug court under this chapter shall explore the possibility  
25 of using court improvement project funds to finance the family drug  
26 court in the county. The county shall also explore the availability  
27 of federal and state matching funds to finance the court.

1 SECTION 1.03. Subsection (a), Section 76.011, Government  
2 Code, is amended to read as follows:

3 (a) The department may operate programs for:

4 (1) the supervision and rehabilitation of persons in  
5 pretrial intervention programs;

6 (2) the supervision of persons released on bail under:

7 (A) Chapter 11, Code of Criminal Procedure;

8 (B) Chapter 17, Code of Criminal Procedure;

9 (C) Article 44.04, Code of Criminal Procedure; or

10 (D) any other law;

11 (3) the supervision of a person subject to, or the  
12 verification of compliance with, a court order issued under:

13 (A) Article 17.441, Code of Criminal Procedure,  
14 requiring a person to install a deep-lung breath analysis mechanism  
15 on each vehicle owned or operated by the person;

16 (B) Chapter 123 of this code or former law [469,  
17 ~~Health and Safety Code~~], issuing an occupational driver's license;

18 (C) Section 49.09(h), Penal Code, requiring a  
19 person to install a deep-lung breath analysis mechanism on each  
20 vehicle owned or operated by the person; or

21 (D) Subchapter L, Chapter 521, Transportation  
22 Code, granting a person an occupational driver's license; and

23 (4) the supervision of a person not otherwise  
24 described by Subdivision (1), (2), or (3), if a court orders the  
25 person to submit to the supervision of, or to receive services from,  
26 the department.

27 SECTION 1.04. Chapter 469, Health and Safety Code, is

1 transferred to Subtitle K, Title 2, Government Code, as added by  
2 this Act, redesignated as Chapter 123, Government Code, and amended  
3 to read as follows:

4 CHAPTER 123 [~~469~~]. DRUG COURT PROGRAMS

5 Sec. 123.001 [~~469.001~~]. DRUG COURT PROGRAM DEFINED;  
6 PROCEDURES FOR CERTAIN DEFENDANTS. (a) In this chapter, "drug  
7 court program" means a program that has the following essential  
8 characteristics:

9 (1) the integration of alcohol and other drug  
10 treatment services in the processing of cases in the judicial  
11 system;

12 (2) the use of a nonadversarial approach involving  
13 prosecutors and defense attorneys to promote public safety and to  
14 protect the due process rights of program participants;

15 (3) early identification and prompt placement of  
16 eligible participants in the program;

17 (4) access to a continuum of alcohol, drug, and other  
18 related treatment and rehabilitative services;

19 (5) monitoring of abstinence through weekly alcohol  
20 and other drug testing;

21 (6) a coordinated strategy to govern program responses  
22 to participants' compliance;

23 (7) ongoing judicial interaction with program  
24 participants;

25 (8) monitoring and evaluation of program goals and  
26 effectiveness;

27 (9) continuing interdisciplinary education to promote

1 effective program planning, implementation, and operations; and

2 (10) development of partnerships with public agencies  
3 and community organizations.

4 (b) If a defendant successfully completes a drug court  
5 program, regardless of whether the defendant was convicted of the  
6 offense for which the defendant entered the program or whether the  
7 court deferred further proceedings without entering an  
8 adjudication of guilt, after notice to the state and a hearing on  
9 whether the defendant is otherwise entitled to the petition and  
10 whether issuance of the order is in the best interest of justice,  
11 the court shall enter an order of nondisclosure under Section  
12 411.081[~~, Government Code,~~] as if the defendant had received a  
13 discharge and dismissal under Section 5(c), Article 42.12, Code of  
14 Criminal Procedure, with respect to all records and files related  
15 to the defendant's arrest for the offense for which the defendant  
16 entered the program if the defendant:

17 (1) has not been previously convicted of an [a felony]  
18 offense listed in Section 3g, Article 42.12, Code of Criminal  
19 Procedure, or a sexually violent offense, as defined by Article  
20 62.001, Code of Criminal Procedure; and

21 (2) is not convicted for any [~~other~~] felony offense  
22 between the date on which the defendant successfully completed the  
23 program and [before] the second anniversary of that date [the  
24 defendant's successful completion of the program].

25 (c) Notwithstanding Subsection (b), a defendant is not  
26 entitled to petition the court for an order of nondisclosure  
27 following successful completion of a drug court program if the

1 defendant's entry into the program arose as the result of a  
2 conviction for an offense involving the operation of a motor  
3 vehicle while intoxicated.

4 Sec. 123.002 [~~469.002~~]. AUTHORITY TO ESTABLISH PROGRAM.  
5 The commissioners court of a county or governing body of a  
6 municipality may establish the following types of drug court  
7 programs:

8 (1) drug courts for persons arrested for, charged  
9 with, or convicted of:

10 (A) an offense in which an element of the offense  
11 is the use or possession of alcohol or the use, possession, or sale  
12 of a controlled substance, a controlled substance analogue, or  
13 marihuana; or

14 (B) an offense in which the use of alcohol or a  
15 controlled substance is suspected to have significantly  
16 contributed to the commission of the offense and the offense did not  
17 involve:

18 (i) carrying, possessing, or using a  
19 firearm or other dangerous weapon;

20 (ii) the use of force against the person of  
21 another; or

22 (iii) the death of or serious bodily injury  
23 to another;

24 (2) drug courts for juveniles detained for, taken into  
25 custody for, or adjudicated as having engaged in:

26 (A) delinquent conduct, including habitual  
27 felony conduct, or conduct indicating a need for supervision in



1 which an element of the conduct is the use or possession of alcohol  
2 or the use, possession, or sale of a controlled substance, a  
3 controlled substance analogue, or marihuana; or

4 (B) delinquent conduct, including habitual  
5 felony conduct, or conduct indicating a need for supervision in  
6 which the use of alcohol or a controlled substance is suspected to  
7 have significantly contributed to the commission of the conduct and  
8 the conduct did not involve:

9 (i) carrying, possessing, or using a  
10 firearm or other dangerous weapon;

11 (ii) the use of force against the person of  
12 another; or

13 (iii) the death of or serious bodily injury  
14 to another;

15 (3) reentry drug courts for persons with a  
16 demonstrated history of using alcohol or a controlled substance who  
17 may benefit from a program designed to facilitate the person's  
18 transition and reintegration into the community on release from a  
19 state or local correctional facility;

20 (4) family dependency drug treatment courts for family  
21 members involved in a suit affecting the parent-child relationship  
22 in which a parent's use of alcohol or a controlled substance is a  
23 primary consideration in the outcome of the suit; or

24 (5) programs for other persons not precisely described  
25 by Subdivisions (1)-(4) who may benefit from a program that has the  
26 essential characteristics described by Section 123.001 [~~469.001~~].

27 Sec. 123.003 [~~469.0025~~]. ESTABLISHMENT OF REGIONAL

1 PROGRAM. (a) The commissioners courts of two or more counties, or  
2 the governing bodies of two or more municipalities, may elect to  
3 establish a regional drug court program under this chapter for the  
4 participating counties or municipalities.

5 (b) For purposes of this chapter, each county or  
6 municipality that elects to establish a regional drug court program  
7 under this section is considered to have established the program  
8 and is entitled to retain fees under Article 102.0178, Code of  
9 Criminal Procedure, in the same manner as if the county or  
10 municipality had established a drug court program without  
11 participating in a regional program.

12 [~~Sec. 469.003. OVERSIGHT. (a) The lieutenant governor and~~  
13 ~~the speaker of the house of representatives may assign to~~  
14 ~~appropriate legislative committees duties relating to the~~  
15 ~~oversight of drug court programs established under this chapter.~~

16 [~~(b) A legislative committee or the governor may request the~~  
17 ~~state auditor to perform a management, operations, or financial or~~  
18 ~~accounting audit of a drug court program established under this~~  
19 ~~chapter.~~

20 [~~(c) A drug court program established under this chapter~~  
21 ~~shall:~~

22 [~~(1) notify the criminal justice division of the~~  
23 ~~governor's office before or on implementation of the program; and~~

24 [~~(2) provide information regarding the performance of~~  
25 ~~the program to the division on request.]~~

26 Sec. 123.004 [~~469.004~~]. FEES. (a) A drug court program  
27 established under this chapter may collect from a participant in

1 the program:

- 2 (1) a reasonable program fee not to exceed \$1,000; and
- 3 (2) an alcohol or controlled substance testing,  
4 counseling, and treatment fee in an amount necessary to cover the  
5 costs of the testing, counseling, and treatment.

6 (b) Fees collected under this section may be paid on a  
7 periodic basis or on a deferred payment schedule at the discretion  
8 of the judge, magistrate, or coordinator [~~program director~~  
9 ~~administering the program~~]. The fees must be:

- 10 (1) based on the participant's ability to pay; and
- 11 (2) used only for purposes specific to the program.

12 Sec. 123.005 [~~469.005~~]. DRUG COURT PROGRAMS EXCLUSIVELY  
13 FOR CERTAIN INTOXICATION OFFENSES. (a) The commissioners court of  
14 a county may establish under this chapter a drug court program  
15 exclusively for persons arrested for, charged with, or convicted of  
16 an offense involving the operation of a motor vehicle while  
17 intoxicated.

18 (b) A county that establishes a drug court program under  
19 this chapter but does not establish a separate program under this  
20 section must employ procedures designed to ensure that a person  
21 arrested for, charged with, or convicted of a second or subsequent  
22 offense involving the operation of a motor vehicle while  
23 intoxicated participates in the county's existing drug court  
24 program.

25 Sec. 123.006 [~~469.006~~]. PROGRAM IN CERTAIN COUNTIES  
26 MANDATORY. (a) The commissioners court of a county with a  
27 population of more than 200,000 shall:

1           (1) establish a drug court program under [~~Subdivision~~  
2 ~~(1) of~~] Section 123.002(1); and

3           (2) direct the judge, magistrate, or coordinator to  
4 comply with Section 121.002(c)(1) [469.002].

5           (b) A county required under this section to establish a drug  
6 court program shall apply for federal and state funds available to  
7 pay the costs of the program. The criminal justice division of the  
8 governor's office may assist a county in applying for federal funds  
9 as required by this subsection.

10           (c) Notwithstanding Subsection (a), a county is required to  
11 establish a drug court program under this section only if:

12           (1) the county receives federal or state funding,  
13 including funding under Article 102.0178, Code of Criminal  
14 Procedure, specifically for that purpose; and

15           (2) the judge, magistrate, or coordinator receives the  
16 verification described by Section 121.002(c)(2).

17           (d) A county that does not establish a drug court program as  
18 required by this section and maintain the program is ineligible to  
19 receive from the state:

20           (1) funds for a community supervision and corrections  
21 department; and

22           (2) grants for substance abuse treatment programs  
23 administered by the criminal justice division of the governor's  
24 office.

25           Sec. 123.007 [~~469.007~~]. USE OF OTHER DRUG AND ALCOHOL  
26 AWARENESS PROGRAMS. In addition to using a drug court program  
27 established under this chapter, the commissioners court of a county

1 or a court may use other drug awareness or drug and alcohol driving  
2 awareness programs to treat persons convicted of drug or alcohol  
3 related offenses.

4       Sec. 123.008 [~~469.008~~]. SUSPENSION OR DISMISSAL OF  
5 COMMUNITY SERVICE REQUIREMENT. (a) Notwithstanding Sections 13  
6 and 16, Article 42.12, Code of Criminal Procedure, to encourage  
7 participation in a drug court program established under this  
8 chapter, the judge or magistrate administering the program may  
9 suspend any requirement that, as a condition of community  
10 supervision, a participant in the program work a specified number  
11 of hours at a community service project or projects.

12       (b) On a participant's successful completion of a drug court  
13 program, a judge or magistrate may excuse the participant from any  
14 condition of community supervision previously suspended under  
15 Subsection (a).

16       Sec. 123.009 [~~469.009~~]. OCCUPATIONAL DRIVER'S LICENSE.  
17 Notwithstanding Section 521.242, Transportation Code, if a  
18 participant's driver's license has been suspended as a result of an  
19 alcohol-related or drug-related enforcement contact, as defined by  
20 Section 524.001, Transportation Code, or as a result of a  
21 conviction under Section 49.04, 49.07, or 49.08, Penal Code, the  
22 judge or magistrate administering a drug court program under this  
23 chapter may order that an occupational license be issued to the  
24 participant. An order issued under this section is subject to  
25 Sections 521.248-521.252, Transportation Code, except that any  
26 reference to a petition under Section 521.242 of that code does not  
27 apply.

1           SECTION 1.05. Chapter 617, Health and Safety Code, is  
2 transferred to Subtitle K, Title 2, Government Code, as added by  
3 this Act, redesignated as Chapter 124, Government Code, and amended  
4 to read as follows:

5                   CHAPTER 124 [~~617~~]. VETERANS COURT PROGRAM

6           Sec. 124.001 [~~617.001~~]. VETERANS COURT PROGRAM DEFINED;  
7 PROCEDURES FOR CERTAIN DEFENDANTS. (a) In this chapter, "veterans  
8 court program" means a program that has the following essential  
9 characteristics:

10                   (1) the integration of services in the processing of  
11 cases in the judicial system;

12                   (2) the use of a nonadversarial approach involving  
13 prosecutors and defense attorneys to promote public safety and to  
14 protect the due process rights of program participants;

15                   (3) early identification and prompt placement of  
16 eligible participants in the program;

17                   (4) access to a continuum of alcohol, controlled  
18 substance, mental health, and other related treatment and  
19 rehabilitative services;

20                   (5) careful monitoring of treatment and services  
21 provided to program participants;

22                   (6) a coordinated strategy to govern program responses  
23 to participants' compliance;

24                   (7) ongoing judicial interaction with program  
25 participants;

26                   (8) monitoring and evaluation of program goals and  
27 effectiveness;

1           (9) continuing interdisciplinary education to promote  
2 effective program planning, implementation, and operations; and

3           (10) development of partnerships with public agencies  
4 and community organizations, including the United States  
5 Department of Veterans Affairs.

6           (b) If a defendant successfully completes a veterans court  
7 program~~[7]~~ as authorized under Section 76.011, [~~Government Code~~],  
8 after notice to the attorney representing the state and a hearing in  
9 the veterans court at which that court determines that a dismissal  
10 is in the best interest of justice, the court in which the criminal  
11 case is pending shall dismiss the criminal action against the  
12 defendant.

13           Sec. 124.002 [~~617.002~~]. AUTHORITY TO ESTABLISH PROGRAM;  
14 ELIGIBILITY. (a) The commissioners court of a county may  
15 establish a veterans court program for persons arrested for or  
16 charged with any misdemeanor or felony offense. A defendant is  
17 eligible to participate in a veterans court program established  
18 under this chapter only if the attorney representing the state  
19 consents to the defendant's participation in the program and if the  
20 court in which the criminal case is pending finds that the  
21 defendant:

22           (1) is a veteran or current member of the United States  
23 armed forces, including a member of the reserves, national guard,  
24 or state guard; and

25           (2) suffers from a brain injury, mental illness, or  
26 mental disorder, including post-traumatic stress disorder, that:

27           (A) resulted from the defendant's military

1 service in a combat zone or other similar hazardous duty area; and

2 (B) materially affected the defendant's criminal  
3 conduct at issue in the case.

4 (b) The court in which the criminal case is pending shall  
5 allow an eligible defendant to choose whether to proceed through  
6 the veterans court program or otherwise through the criminal  
7 justice system.

8 (c) Proof of matters described by Subsection (a) may be  
9 submitted to the court in which the criminal case is pending in any  
10 form the court determines to be appropriate, including military  
11 service and medical records, previous determinations of a  
12 disability by a veteran's organization or by the United States  
13 Department of Veterans Affairs, testimony or affidavits of other  
14 veterans or service members, and prior determinations of  
15 eligibility for benefits by any state or county veterans office.  
16 The court's findings must accompany any docketed case.

17 Sec. 124.003 [~~617.003~~]. DUTIES OF VETERANS COURT. (a) A  
18 veterans court program established under this chapter must:

19 (1) ensure a person eligible for the program is  
20 provided legal counsel before volunteering to proceed through the  
21 program and while participating in the program;

22 (2) allow a participant to withdraw from the program  
23 at any time before a trial on the merits has been initiated;

24 (3) provide a participant with a court-ordered  
25 individualized treatment plan indicating the services that will be  
26 provided to the participant; and

27 (4) ensure that the jurisdiction of the veterans court



1 continues for a period of not less than six months but does not  
2 continue beyond the period of community supervision for the offense  
3 charged.

4 (b) A veterans court program established under this chapter  
5 shall make, establish, and publish local procedures to ensure  
6 maximum participation of eligible defendants in the county or  
7 counties in which those defendants reside.

8 (c) This chapter does not prevent the initiation of  
9 procedures under Chapter 46B, Code of Criminal Procedure.

10 Sec. 124.004 [~~617.004~~]. ESTABLISHMENT OF REGIONAL PROGRAM.

11 (a) The commissioners courts of two or more counties may elect to  
12 establish a regional veterans court program under this chapter for  
13 the participating counties.

14 (b) For purposes of this chapter, each county that elects to  
15 establish a regional veterans court program under this section is  
16 considered to have established the program and is entitled to  
17 retain fees under Article 102.0178, Code of Criminal Procedure, in  
18 the same manner as if the county had established a veterans court  
19 program without participating in a regional program.

20 [~~Sec. 617.005. OVERSIGHT. (a) The lieutenant governor and~~  
21 ~~the speaker of the house of representatives may assign to~~  
22 ~~appropriate legislative committees duties relating to the~~  
23 ~~oversight of veterans court programs established under this~~  
24 ~~chapter.~~

25 [~~(b) A legislative committee or the governor may request the~~  
26 ~~state auditor to perform a management, operations, or financial or~~  
27 ~~accounting audit of a veterans court program established under this~~

1 ~~chapter.~~

2       ~~[(c) A veterans court program established under this~~  
3 ~~chapter shall:~~

4           ~~[(1) notify the criminal justice division of the~~  
5 ~~governor's office before or on implementation of the program; and~~

6           ~~[(2) provide information regarding the performance of~~  
7 ~~the program to that division on request.]~~

8       Sec. 124.005 [~~617.006~~]. FEES.       (a) A veterans court  
9 program established under this chapter may collect from a  
10 participant in the program:

11           (1) a reasonable program fee not to exceed \$1,000; and

12           (2) a testing, counseling, and treatment fee in an  
13 amount necessary to cover the costs of any testing, counseling, or  
14 treatment performed or provided under the program.

15       (b) Fees collected under this section may be paid on a  
16 periodic basis or on a deferred payment schedule at the discretion  
17 of the judge, magistrate, or coordinator [~~program director~~  
18 ~~administering the program~~]. The fees must be:

19           (1) based on the participant's ability to pay; and

20           (2) used only for purposes specific to the program.

21       SECTION 1.06. Chapter 616, Health and Safety Code, is  
22 transferred to Subtitle K, Title 2, Government Code, as added by  
23 this Act, redesignated as Chapter 125, Government Code, and amended  
24 to read as follows:

25       CHAPTER 125 [~~616~~]. MENTAL HEALTH COURT PROGRAMS

26       Sec. 125.001 [~~616.001~~]. MENTAL HEALTH COURT PROGRAM  
27 DEFINED. In this chapter, "mental health court program" means a

1 program that has the following essential characteristics:

2 (1) the integration of mental illness treatment  
3 services and mental retardation services in the processing of cases  
4 in the judicial system;

5 (2) the use of a nonadversarial approach involving  
6 prosecutors and defense attorneys to promote public safety and to  
7 protect the due process rights of program participants;

8 (3) early identification and prompt placement of  
9 eligible participants in the program;

10 (4) access to mental illness treatment services and  
11 mental retardation services;

12 (5) ongoing judicial interaction with program  
13 participants;

14 (6) diversion of potentially mentally ill or mentally  
15 retarded defendants to needed services as an alternative to  
16 subjecting those defendants to the criminal justice system;

17 (7) monitoring and evaluation of program goals and  
18 effectiveness;

19 (8) continuing interdisciplinary education to promote  
20 effective program planning, implementation, and operations; and

21 (9) development of partnerships with public agencies  
22 and community organizations, including local mental retardation  
23 authorities.

24 Sec. 125.002 [~~616.002~~]. AUTHORITY TO ESTABLISH PROGRAM.  
25 The commissioners court of a county may establish a mental health  
26 court program for persons who:

27 (1) have been arrested for or charged with a

1 misdemeanor or felony; and

2 (2) are suspected by a law enforcement agency or a  
3 court of having a mental illness or mental retardation.

4 Sec. 125.003 [~~616.003~~]. PROGRAM. (a) A mental health  
5 court program established under Section 125.002 [~~616.002~~]:

6 (1) may handle all issues arising under Articles 16.22  
7 and 17.032, Code of Criminal Procedure, and Chapter 46B, Code of  
8 Criminal Procedure; and

9 (2) must:

10 (A) ensure a person eligible for the program is  
11 provided legal counsel before volunteering to proceed through the  
12 mental health court program and while participating in the program;

13 (B) allow a person, if eligible for the program,  
14 to choose whether to proceed through the mental health court  
15 program or proceed through the regular criminal justice system;

16 (C) allow a participant to withdraw from the  
17 mental health court program at any time before a trial on the merits  
18 has been initiated;

19 (D) provide a participant with a court-ordered  
20 individualized treatment plan indicating the services that will be  
21 provided to the participant; and

22 (E) ensure that the jurisdiction of the mental  
23 health court extends at least six months but does not extend beyond  
24 the probationary period for the offense charged if the probationary  
25 period is longer than six months.

26 (b) The issues shall be handled by a magistrate, as  
27 designated by Article 2.09, Code of Criminal Procedure, who is part

1 of a mental health court program established under Section 125.002  
2 [~~616.002~~].

3 [~~Sec. 616.004. OVERSIGHT. (a) The lieutenant governor and~~  
4 ~~the speaker of the house of representatives may assign to~~  
5 ~~appropriate legislative committees duties relating to the~~  
6 ~~oversight of mental health court programs established under Section~~  
7 ~~616.002.~~

8 [~~(b) A legislative committee or the governor may request the~~  
9 ~~state auditor to perform a management, operations, or financial or~~  
10 ~~accounting audit of a mental health court program established under~~  
11 ~~Section 616.002.]~~

12 Sec. 125.004 [~~616.005~~]. PARTICIPANT PAYMENT FOR TREATMENT  
13 AND SERVICES. A mental health court program may require a  
14 participant to pay the cost of all treatment and services received  
15 while participating in the program, based on the participant's  
16 ability to pay.

17 SECTION 1.07. Subsection (b), Section 509.007, Government  
18 Code, is amended to read as follows:

19 (b) A community justice plan required under this section  
20 must include:

21 (1) a statement of goals and priorities and of  
22 commitment by the community justice council, the judges described  
23 by Section 76.002 who established the department, and the  
24 department director to achieve a targeted level of alternative  
25 sanctions;

26 (2) a description of methods for measuring the success  
27 of programs provided by the department or provided by an entity

1 served by the department;

2 (3) a proposal for the use of state jail felony  
3 facilities and, at the discretion of the community justice council,  
4 a regional proposal for the construction, operation, maintenance,  
5 or management of a state jail felony facility by a county, a  
6 community supervision and corrections department, or a private  
7 vendor under a contract with a county or a community supervision and  
8 corrections department;

9 (4) a description of the programs and services the  
10 department provides or intends to provide, including a separate  
11 description of:

12 (A) any services the department intends to  
13 provide in relation to a specialty court program; and

14 (B) any programs or other services the department  
15 intends to provide to enhance public safety, reduce recidivism,  
16 strengthen the investigation and prosecution of criminal offenses,  
17 improve programs and services available to victims of crime, and  
18 increase the amount of restitution collected from persons  
19 supervised by the department; and

20 (5) an outline of the department's projected  
21 programmatic and budgetary needs, based on the programs and  
22 services the department both provides and intends to provide.

23 SECTION 1.08. Subdivision (2), Subsection (a), Section  
24 772.0061, Government Code, is amended to read as follows:

25 (2) "Specialty court" means:

26 (A) a family drug court program established under  
27 Chapter 122 or former law;

1           (B) a drug court program established under  
2 Chapter 123 or former law [~~469, Health and Safety Code~~];

3           (C) a veterans court program established under  
4 Chapter 124 or former law; and

5           (D) [~~(B)~~] a mental health court program  
6 established under Chapter 125 or former law [~~616, Health and Safety~~  
7 ~~Code; and~~

8           ~~[(C) a veterans court program established under~~  
9 ~~Chapter 617, Health and Safety Code].~~

10           SECTION 1.09. Section 772.0061, Government Code, is amended  
11 by amending Subsections (b), (c), (d), and (e) and adding  
12 Subsection (j) to read as follows:

13           (b) The governor shall establish the Specialty Courts  
14 Advisory Council within the criminal justice division established  
15 under Section 772.006 to:

16           (1) evaluate applications for grant funding for  
17 specialty courts in this state and to make funding recommendations  
18 to the criminal justice division; and

19           (2) make recommendations to the criminal justice  
20 division regarding best practices for specialty courts established  
21 under Chapter 122, 123, 124, or 125 or former law.

22           (c) The council is composed of nine [~~seven~~] members  
23 appointed by the governor as follows:

24           (1) one member with experience as the judge of a  
25 specialty court described by Subsection (a)(2)(A);

26           (2) one member with experience as the judge of a  
27 specialty court described by Subsection (a)(2)(B);

1           (3) one member with experience as the judge of a  
2 specialty court described by Subsection (a)(2)(C);

3           (4) one member with experience as the judge of a  
4 specialty court described by Subsection (a)(2)(D) [~~three members~~  
5 with experience as judges of a specialty court]; and

6           (5) five [~~(2) four~~] members who represent the public.

7           (d) The members appointed under Subsection (c)(5) [~~(c)(2)~~]  
8 must:

9           (1) reside in various geographic regions of the state;  
10 and

11           (2) have experience practicing law in a specialty  
12 court or possess knowledge and expertise in a field relating to  
13 behavioral or mental health issues or to substance abuse treatment.

14           (e) Members are appointed for staggered six-year terms,  
15 with the [~~The~~] terms of [~~either two or~~] three members expiring [~~as applicable, expire~~]  
16 February 1 of each odd-numbered year.

17           (j) A member of the council may not receive compensation for  
18 service on the council. The member may receive reimbursement from  
19 the criminal justice division for actual and necessary expenses  
20 incurred in performing council functions as provided by Section  
21 2110.004.

22           ARTICLE 2. CONFORMING AMENDMENTS

23           SECTION 2.01. Subsection (b), Section 18, Article 42.12,  
24 Code of Criminal Procedure, is amended to read as follows:

25           (b) If a judge requires as a condition of community  
26 supervision or participation in a drug court program established  
27 under Chapter 123, Government [~~469, Health and Safety~~] Code, or



1 former law that the defendant serve a term in a community  
2 corrections facility, the term may not be more than 24 months.

3 SECTION 2.02. Subsection (f), Article 59.062, Code of  
4 Criminal Procedure, is amended to read as follows:

5 (f) A civil penalty collected under this article shall be  
6 deposited to the credit of the drug court account in the general  
7 revenue fund to help fund drug court programs established under  
8 Chapter 122, 123, 124, or 125, Government [~~469, Health and Safety~~]  
9 Code, or former law.

10 SECTION 2.03. Subsection (g), Section 102.0178, Code of  
11 Criminal Procedure, is amended to read as follows:

12 (g) The comptroller shall deposit the funds received under  
13 this article to the credit of the drug court account in the general  
14 revenue fund to help fund drug court programs established under  
15 Chapter 122, 123, 124, or 125, Government [~~469, Health and Safety~~]  
16 Code, or former law. The legislature shall appropriate money from  
17 the account solely to the criminal justice division of the  
18 governor's office for distribution to drug court programs that  
19 apply for the money.

20 SECTION 2.04. Subsection (c-1), Section 58.003, Family  
21 Code, is amended to read as follows:

22 (c-1) Notwithstanding Subsections (a) and (c) and subject  
23 to Subsection (b), a juvenile court may order the sealing of records  
24 concerning a child adjudicated as having engaged in delinquent  
25 conduct or conduct indicating a need for supervision that violated  
26 a penal law of the grade of misdemeanor or felony if the child  
27 successfully completed a drug court program under Chapter 123,

1 Government [~~469, Health and Safety~~] Code, or former law. The court  
2 may:

3 (1) order the sealing of the records immediately and  
4 without a hearing; or

5 (2) hold a hearing to determine whether to seal the  
6 records.

7 SECTION 2.05. Section 54.1801, Government Code, is amended  
8 to read as follows:

9 Sec. 54.1801. DEFINITION. In this subchapter, "drug court"  
10 or "drug court program" has the meaning assigned by Section 123.001  
11 [~~469.001, Health and Safety Code~~].

12 SECTION 2.06. Subchapter C, Chapter 71, Government Code, is  
13 amended by adding Section 71.037 to read as follows:

14 Sec. 71.037. SPECIALTY COURT BEST PRACTICES. The council  
15 shall review and as appropriate approve recommendations made by the  
16 Specialty Courts Advisory Council under Section 772.0061(b)(2).

17 SECTION 2.07. Subsection (d), Section 76.017, Government  
18 Code, is amended to read as follows:

19 (d) After a person is screened and evaluated, a  
20 representative of the department shall meet with the participating  
21 criminal justice and treatment agencies to review the person's case  
22 and to determine if the person should be referred for treatment. If  
23 a person is considered appropriate for referral, the person may be  
24 referred to community-based treatment in accordance with  
25 applicable law or any other treatment program deemed appropriate.  
26 A magistrate may order a person to participate in a treatment  
27 program recommended under this section, including treatment in a

1 drug court program established under Chapter 123 or former law  
2 [~~469, Health and Safety Code~~], as a condition of bond or condition  
3 of pretrial release.

4 SECTION 2.08. Section 102.021, Government Code, is amended  
5 to read as follows:

6 Sec. 102.021. COURT COSTS ON CONVICTION: CODE OF CRIMINAL  
7 PROCEDURE. A person convicted of an offense shall pay the following  
8 under the Code of Criminal Procedure, in addition to all other  
9 costs:

10 (1) court cost on conviction of any offense, other  
11 than a conviction of an offense relating to a pedestrian or the  
12 parking of a motor vehicle (Art. 102.0045, Code of Criminal  
13 Procedure) . . . \$4;

14 (2) a fee for services of prosecutor (Art. 102.008,  
15 Code of Criminal Procedure) . . . \$25;

16 (3) fees for services of peace officer:

17 (A) issuing a written notice to appear in court  
18 for certain violations (Art. 102.011, Code of Criminal Procedure)  
19 . . . \$5;

20 (B) executing or processing an issued arrest  
21 warrant, capias, or capias pro fine (Art. 102.011, Code of Criminal  
22 Procedure) . . . \$50;

23 (C) summoning a witness (Art. 102.011, Code of  
24 Criminal Procedure) . . . \$5;

25 (D) serving a writ not otherwise listed (Art.  
26 102.011, Code of Criminal Procedure) . . . \$35;

27 (E) taking and approving a bond and, if

1 necessary, returning the bond to courthouse (Art. 102.011, Code of  
2 Criminal Procedure) . . . \$10;

3 (F) commitment or release (Art. 102.011, Code of  
4 Criminal Procedure) . . . \$5;

5 (G) summoning a jury (Art. 102.011, Code of  
6 Criminal Procedure) . . . \$5;

7 (H) attendance of a prisoner in habeas corpus  
8 case if prisoner has been remanded to custody or held to bail (Art.  
9 102.011, Code of Criminal Procedure) . . . \$8 each day;

10 (I) mileage for certain services performed (Art.  
11 102.011, Code of Criminal Procedure) . . . \$0.29 per mile; and

12 (J) services of a sheriff or constable who serves  
13 process and attends examining trial in certain cases (Art. 102.011,  
14 Code of Criminal Procedure) . . . not to exceed \$5;

15 (4) services of a peace officer in conveying a witness  
16 outside the county (Art. 102.011, Code of Criminal Procedure) . . .  
17 \$10 per day or part of a day, plus actual necessary travel expenses;

18 (5) overtime of peace officer for time spent  
19 testifying in the trial or traveling to or from testifying in the  
20 trial (Art. 102.011, Code of Criminal Procedure) . . . actual cost;

21 (6) court costs on an offense relating to rules of the  
22 road, when offense occurs within a school crossing zone (Art.  
23 102.014, Code of Criminal Procedure) . . . \$25;

24 (7) court costs on an offense of passing a school bus  
25 (Art. 102.014, Code of Criminal Procedure) . . . \$25;

26 (8) court costs on an offense of truancy or  
27 contributing to truancy (Art. 102.014, Code of Criminal Procedure)

1 . . . \$20;

2 (9) cost for visual recording of intoxication arrest  
3 before conviction (Art. 102.018, Code of Criminal Procedure) . . .  
4 \$15;

5 (10) cost of certain evaluations (Art. 102.018, Code  
6 of Criminal Procedure) . . . actual cost;

7 (11) additional costs attendant to certain  
8 intoxication convictions under Chapter 49, Penal Code, for  
9 emergency medical services, trauma facilities, and trauma care  
10 systems (Art. 102.0185, Code of Criminal Procedure) . . . \$100;

11 (12) additional costs attendant to certain child  
12 sexual assault and related convictions, for child abuse prevention  
13 programs (Art. 102.0186, Code of Criminal Procedure) . . . \$100;

14 (13) court cost for DNA testing for certain felonies  
15 (Art. 102.020(a)(1), Code of Criminal Procedure) . . . \$250;

16 (14) court cost for DNA testing for the offense of  
17 public lewdness or indecent exposure (Art. 102.020(a)(2), Code of  
18 Criminal Procedure) . . . \$50;

19 (15) court cost for DNA testing for certain felonies  
20 (Art. 102.020(a)(3), Code of Criminal Procedure) . . . \$34;

21 (16) if required by the court, a restitution fee for  
22 costs incurred in collecting restitution installments and for the  
23 compensation to victims of crime fund (Art. 42.037, Code of  
24 Criminal Procedure) . . . \$12;

25 (17) if directed by the justice of the peace or  
26 municipal court judge hearing the case, court costs on conviction  
27 in a criminal action (Art. 45.041, Code of Criminal Procedure)

1 . . . part or all of the costs as directed by the judge; and

2 (18) costs attendant to convictions under Chapter 49,  
3 Penal Code, and under Chapter 481, Health and Safety Code, to help  
4 fund drug court programs established under Chapter 122, 123, 124,  
5 or 125, Government [~~469, Health and Safety~~] Code, or former law  
6 (Art. 102.0178, Code of Criminal Procedure) . . . \$60.

7 SECTION 2.09. (a) Subchapter B, Chapter 103, Government  
8 Code, is amended by adding Section 103.0271 to read as follows:

9 Sec. 103.0271. ADDITIONAL MISCELLANEOUS FEES AND COSTS:  
10 GOVERNMENT CODE. Fees and costs shall be paid or collected under  
11 the Government Code as follows:

12 (1) a program fee for a drug court program (Sec.  
13 123.004, Government Code) . . . not to exceed \$1,000;

14 (2) an alcohol or controlled substance testing,  
15 counseling, and treatment fee (Sec. 123.004, Government Code) . . .  
16 the amount necessary to cover the costs of testing, counseling, and  
17 treatment;

18 (3) a reasonable program fee for a veterans court  
19 program (Sec. 124.005, Government Code) . . . not to exceed \$1,000;  
20 and

21 (4) a testing, counseling, and treatment fee for  
22 testing, counseling, or treatment performed or provided under a  
23 veterans court program (Sec. 124.005, Government Code) . . . the  
24 amount necessary to cover the costs of testing, counseling, or  
25 treatment.

26 (b) Subchapter B, Chapter 103, Government Code, is amended  
27 by adding Section 103.0292 to read as follows:

1       Sec. 103.0292. ADDITIONAL MISCELLANEOUS FEES AND COSTS:  
2 HEALTH AND SAFETY CODE. A nonrefundable program fee for a first  
3 offender prostitution prevention program established under Section  
4 169.002, Health and Safety Code, shall be collected under Section  
5 169.005, Health and Safety Code, in a reasonable amount not to  
6 exceed \$1,000, which includes:

7           (1) a counseling and services fee in an amount  
8 necessary to cover the costs of counseling and services provided by  
9 the program;

10          (2) a victim services fee in an amount equal to 10  
11 percent of the total fee; and

12          (3) a law enforcement training fee in an amount equal  
13 to five percent of the total fee.

14          (c) Sections 103.029 and 103.0291, Government Code, are  
15 repealed.

16          SECTION 2.10. Subsection (a), Section 493.009, Government  
17 Code, is amended to read as follows:

18          (a) The department shall establish a program to confine and  
19 treat:

20           (1) defendants required to participate in the program  
21 under Section 14, Article 42.12, Code of Criminal Procedure; and

22           (2) individuals referred for treatment as part of a  
23 drug court program established under Chapter 123 [~~469, Health and~~  
24 ~~Safety Code,~~] or a similar program created under other law.

25          SECTION 2.11. Subdivision (1), Section 509.001, Government  
26 Code, is amended to read as follows:

27           (1) "Community corrections facility" means a physical

1 structure, established by the judges described by Section 76.002  
2 after authorization of the establishment of the structure has been  
3 included in the local community justice plan, that is operated by a  
4 department or operated for a department by an entity under contract  
5 with the department, for the purpose of treating persons who have  
6 been placed on community supervision or who are participating in a  
7 drug court program established under Chapter 123 or former law  
8 [~~469, Health and Safety Code,~~] and providing services and programs  
9 to modify criminal behavior, deter criminal activity, protect the  
10 public, and restore victims of crime. The term includes:

- 11 (A) a restitution center;
- 12 (B) a court residential treatment facility;
- 13 (C) a substance abuse treatment facility;
- 14 (D) a custody facility or boot camp;
- 15 (E) a facility for an offender with a mental  
16 impairment, as defined by Section 614.001, Health and Safety Code;  
17 and
- 18 (F) an intermediate sanction facility.

19 ARTICLE 3. TRANSITION

20 SECTION 3.01. (a) Except as provided by Subsection (b) of  
21 this section, the change in law made by this Act applies to a  
22 specialty court as defined by Section 121.001, Government Code, as  
23 added by this Act, regardless of whether that court was created  
24 under Subtitle K, Title 2, Government Code, as added by this Act, or  
25 former law.

26 (b) Subsection (b), Section 123.001, Government Code, as  
27 redesignated and amended by this Act, applies only to an offense



1 committed on or after the effective date of this Act. An offense  
2 committed before the effective date of this Act is governed by the  
3 law in effect when the offense was committed, and the former law is  
4 continued in effect for that purpose. For purposes of this  
5 subsection, an offense was committed before the effective date of  
6 this Act if any element of the offense occurred before that date.

7 (c) Promptly after this Act takes effect, the governor shall  
8 appoint two additional members to the Specialty Courts Advisory  
9 Council under Section 772.0061, Government Code, as amended by this  
10 Act, as follows:

11 (1) one member who has experience as a judge of a  
12 specialty court, to serve a term expiring February 1, 2017; and

13 (2) one member who represents the public, to serve a  
14 term expiring February 1, 2019.

15 (d) The change in law made by this Act in the qualifications  
16 applying to a member of the Specialty Courts Advisory Council does  
17 not affect the entitlement of a member serving on the council  
18 immediately before September 1, 2013, to continue to serve and  
19 function as a member of the council for the remainder of the  
20 member's term. The change in law in the qualifications applies only  
21 to a member appointed on or after September 1, 2013. However, as  
22 the terms of the members serving immediately before September 1,  
23 2013, expire or become vacant, the governor shall make additional  
24 appointments to the council as necessary to comply with Section  
25 772.0061, Government Code, as amended by this Act.

26 (e) To the extent of any conflict, this Act prevails over  
27 another Act of the 83rd Legislature, Regular Session, 2013,

1 relating to nonsubstantive additions to and corrections in enacted  
2 codes.

3 ARTICLE 4. EFFECTIVE DATE

4 SECTION 4.01. This Act takes effect September 1, 2013.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 462 passed the Senate on March 27, 2013, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendment on May 20, 2013, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 462 passed the House, with amendment, on May 16, 2013, by the following vote: Yeas 143, Nays 0, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor