

## **BILL ANALYSIS**

H.B. 642  
By: Canales  
Juvenile Justice & Family Issues  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties note that alcoholic awareness courses are designed, in part, to help a child who engages in conduct constituting an alcohol-related offense better understand the dangers of alcohol use. The parties contend that such a requirement to attend these and related courses should apply to a child who engages in conduct constituting a drug-related offense to combat drug use and drug-associated criminal activity in addition to combatting alcohol use. H.B. 642 seeks to increase awareness of the dangers of drug and alcohol use.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 4 of this bill.

### **ANALYSIS**

Section 531.0055, Government Code, as amended by Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, expressly grants to the executive commissioner of the Health and Human Services Commission all rulemaking authority for the operation of and provision of services by the health and human services agencies. Similarly, Sections 1.16-1.29, Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, provide for the transfer of a power, duty, function, program, or activity from a health and human services agency abolished by that act to the corresponding legacy agency. To the extent practical, this bill analysis is written to reflect any transfer of rulemaking authority and to update references as necessary to an agency's authority with respect to a particular health and human services program.

H.B. 642 amends the Code of Criminal Procedure to authorize a judge who grants community supervision to a defendant younger than 18 years of age convicted of certain alcohol-related offenses or certain offenses involving the possession of a controlled substance or marihuana under the Texas Controlled Substances Act or who suspends the sentence and defers the final disposition of a defendant to require the defendant as a condition of community supervision or during the deferral period to attend an alcohol awareness program approved by the Department of State Health Services (DSHS) or a drug education program that is designed to educate persons on the dangers of drug abuse and is approved by DSHS. The bill requires a judge who issues such an order to require the defendant to pay the cost of attending the program unless the judge determines that the defendant is indigent and unable to pay the cost. The bill authorizes the judge to allow the defendant to pay the cost of attending the program in installments during the term of community supervision or the deferral period.

H.B. 642 amends the Family Code to authorize deferred prosecution for a child alleged to have engaged in delinquent conduct or conduct indicating a need for supervision that constitutes certain offenses involving the possession of a controlled substance under the Texas Controlled Substances Act or certain alcohol-related offenses to include a condition that the child attend a drug education program that is designed to educate persons on the dangers of drug abuse and is approved by DSHS or an alcohol awareness program approved by DSHS, respectively.

H.B. 642 authorizes a court, if the court or jury finds at an adjudication hearing for a child that the child engaged in delinquent conduct or conduct indicating a need for supervision that constitutes certain offenses involving possession of a controlled substance under the Texas Controlled Substances Act or certain alcohol-related offenses, to order that the child attend a drug education program that is designed to educate persons on the dangers of drug abuse and is approved by DSHS or an alcohol awareness program approved by DSHS, respectively. The bill establishes that such an order is subject to a court finding that the child needs rehabilitation or that the protection of the public or the child requires that disposition be made and authorizes the issuance of such an order in addition to any other order authorized by the juvenile justice code. The bill requires a court that issues such an order to require the child's parent or guardian to pay the cost of attending the program unless the court determines that the parent or guardian is indigent and unable to pay the cost. The bill requires a court to allow the child's parent or guardian to pay the cost of attending the program in installments.

H.B. 642 makes DSHS responsible for the administration of the certification of drug education programs, authorizes DSHS to charge a nonrefundable application fee for initial certification of approval or renewal of the certification, and requires DSHS to monitor and provide training to a person who provides a drug education program. The bill requires the executive commissioner of the Health and Human Services Commission to adopt rules regarding the drug education programs approved for purposes of deferred prosecution for a child alleged to have engaged in delinquent conduct or conduct indicating a need for supervision that constitutes certain offenses involving the possession of a controlled substance under the Texas Controlled Substances Act.

H.B. 642 amends the Transportation Code to make nonsubstantive changes.

**EFFECTIVE DATE**

September 1, 2015.