

By: Canales

H.B. No. 642

A BILL TO BE ENTITLED

AN ACT

1
2 relating to an alcohol awareness program or drug education program
3 for certain minors convicted of or adjudicated to have engaged in,
4 or placed on deferred disposition or community supervision for,
5 certain drug or alcohol related offenses; authorizing a fee.

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

7 SECTION 1. Section 11, Article 42.12, Code of Criminal
8 Procedure, is amended by adding Subsection (n) to read as follows:

9 (n)(1) If a judge grants community supervision to a
10 defendant younger than 18 years of age convicted of an
11 alcohol-related offense under Section 106.02, 106.025, 106.04,
12 106.041, 106.05, or 106.07, Alcoholic Beverage Code, or Section
13 49.02, Penal Code, or an offense involving possession of a
14 controlled substance or marihuana under Section 481.115, 481.1151,
15 481.116, 481.1161, 481.117, 481.118, or 481.121, Health and Safety
16 Code, the judge may require the defendant as a condition of
17 community supervision to attend, as appropriate, an alcohol
18 awareness program approved under Section 106.115, Alcoholic
19 Beverage Code, or a drug education program that is designed to
20 educate persons on the dangers of drug abuse and is approved by the
21 Department of State Health Services in accordance with Section
22 521.374, Transportation Code.

23 (2) If a judge requires a defendant as a condition of
24 community supervision to attend an alcohol awareness program or

1 drug education program described by Subdivision (1), unless the
2 judge determines that the defendant is indigent and unable to pay
3 the cost, the judge shall require the defendant to pay the cost of
4 attending the program. The judge may allow the defendant to pay the
5 cost of attending the program in installments during the term of
6 community supervision.

7 SECTION 2. Article [45.051](#), Code of Criminal Procedure, is
8 amended by amending Subsection (b) and adding Subsection (g) to
9 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) a drug education program that is designed to
23 educate persons on the dangers of drug abuse and is approved by the
24 Department of State Health Services in accordance with Section
25 [521.374](#), Transportation Code; or

26 (B) an alcohol awareness program described by
27 Section [106.115](#), Alcoholic Beverage Code;

1 (7) pay the costs of any diagnostic testing,
2 psychosocial assessment, or participation in a treatment or
3 education program either directly or through the court as court
4 costs;

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

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

11 (10) comply with any other reasonable condition.

12 (g) If a judge requires a defendant under Subsection (b) to
13 attend an alcohol awareness program or drug education program as
14 described by Subdivision (6) of that subsection, unless the judge
15 determines that the defendant is indigent and unable to pay the
16 cost, the judge shall require the defendant to pay the cost of
17 attending the program. The judge may allow the defendant to pay the
18 cost of attending the program in installments during the deferral
19 period.

20 SECTION 3. Section 53.03, Family Code, is amended by adding
21 Subsections (h-1) and (h-2) to read as follows:

22 (h-1) If the child is alleged to have engaged in delinquent
23 conduct or conduct indicating a need for supervision that violates
24 Section 481.115, 481.1151, 481.116, 481.1161, 481.117, 481.118, or
25 481.121, Health and Safety Code, deferred prosecution under this
26 section may include a condition that the child attend a drug
27 education program that is designed to educate persons on the

1 dangers of drug abuse and is approved by the Department of State
2 Health Services in accordance with Section 521.374, Transportation
3 Code.

4 (h-2) If the child is alleged to have engaged in delinquent
5 conduct or conduct indicating a need for supervision that violates
6 Section 106.02, 106.025, 106.04, 106.041, 106.05, or 106.07,
7 Alcoholic Beverage Code, or Section 49.02, Penal Code, deferred
8 prosecution under this section may include a condition that the
9 child attend an alcohol awareness program described by Section
10 106.115, Alcoholic Beverage Code.

11 SECTION 4. Section 54.047, Family Code, is amended to read
12 as follows:

13 Sec. 54.047. ALCOHOL OR DRUG RELATED OFFENSE. (a) If the
14 court or jury finds at an adjudication hearing for a child that the
15 child engaged in delinquent conduct or conduct indicating a need
16 for supervision [~~or delinquent conduct~~] that constitutes a
17 violation of Section 481.115, 481.1151, 481.116, 481.1161,
18 481.117, 481.118, or 481.121, Health and Safety Code, the court may
19 order that the child attend a drug education program that is
20 designed to educate persons on the dangers of drug abuse and is
21 approved by the Department of State Health Services in accordance
22 with Section 521.374, Transportation Code.

23 (b) If the court or jury finds at an adjudication hearing
24 for a child that the child engaged in delinquent conduct or conduct
25 indicating a need for supervision that violates the alcohol-related
26 offenses in Section 106.02, 106.025, 106.04, 106.041, 106.05, or
27 106.07, Alcoholic Beverage Code, or Section 49.02, Penal Code, the

1 court may order that the child attend an alcohol awareness program
2 described by Section 106.115, Alcoholic Beverage Code.

3 (c) The court shall, in addition to any order described by
4 Subsection (a) or (b), [~~subject to a finding under Section~~
5 54.04(c),] order [~~, in addition to any other order authorized by~~
6 this title,] that, in the manner provided by Section 106.071(d),

7 Alcoholic Beverage Code:

8 (1) the child perform community service; and

9 (2) the child's driver's license or permit be
10 suspended or that the child be denied issuance of a driver's license
11 or permit.

12 (d) An order under this section:

13 (1) is subject to a finding under Section 54.04(c);

14 and

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

17 (e) The Department of State Health Services:

18 (1) is responsible for the administration of the
19 certification of drug education programs;

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

21 (A) initial certification of approval; or

22 (B) renewal of the certification;

23 (3) shall adopt rules regarding drug education
24 programs approved under this section; and

25 (4) shall monitor and provide training to a person who
26 provides a drug education program.

27 (f) If the court orders a child under Subsection (a) or (b)

1 to attend a drug education program or alcohol awareness program,
2 unless the court determines that the parent or guardian of the child
3 is indigent and unable to pay the cost, the court shall require the
4 child's parent or a guardian of the child to pay the cost of
5 attending the program. The court shall allow the child's parent or
6 guardian to pay the cost of attending the program in installments.

7 SECTION 5. Section 521.374(a), Transportation Code, is
8 amended to read as follows:

9 (a) A person whose license is suspended under Section
10 521.372 may attend an educational program, approved by the
11 Department of State Health Services [~~Texas Commission on Alcohol~~
12 ~~and Drug Abuse~~] under rules adopted by the executive commissioner
13 of the Health and Human Services Commission [~~commission~~] and the
14 department, that is designed to educate persons on the dangers of
15 drug abuse.

16 SECTION 6. This Act takes effect September 1, 2015.