

AN ACT

relating to an alcohol awareness program or drug education program for certain minors convicted of or adjudicated to have engaged in, 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 106.071(e), Alcoholic Beverage Code, is amended to read as follows:

(e) Community service ordered under this section must be related to education about or prevention of misuse of alcohol or drugs, as applicable, if programs or services providing that education are available in the community in which the court is located. If programs or services providing that education are not available, the court may order community service that it considers appropriate for rehabilitative purposes.

SECTION 2. Section 106.115(a), Alcoholic Beverage Code, is amended to read as follows:

(a) On the placement of a minor on deferred disposition for an offense under Section 49.02, Penal Code, or under Section 106.02, 106.025, 106.04, 106.041, 106.05, or 106.07, the court shall require the defendant to attend an alcohol awareness program approved by the Department of State Health Services under this section, a drug education program approved by the Department of State Health Services in accordance with Section 521.374,

1 Transportation Code, or a drug and alcohol driving awareness
2 program approved by the Texas Education Agency. On conviction of a
3 minor of an offense under one or more of those sections, the court,
4 in addition to assessing a fine as provided by those sections, shall
5 require a defendant who has not been previously convicted of an
6 offense under one of those sections to attend an alcohol awareness
7 program, a drug education program, or a drug and alcohol driving
8 awareness program described by this subsection. If the defendant
9 has been previously convicted once or more of an offense under one
10 or more of those sections, the court may require the defendant to
11 attend an alcohol awareness program, a drug education program, or a
12 drug and alcohol driving awareness program described by this
13 subsection. If the defendant is younger than 18 years of age, the
14 court may require the parent or guardian of the defendant to attend
15 the program with the defendant. The Department of State Health
16 Services:

17 (1) is responsible for the administration of the
18 certification of approved alcohol awareness programs;

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

20 (A) initial certification of the approval; or

21 (B) renewal of the certification;

22 (3) shall adopt rules regarding alcohol awareness
23 programs approved under this section; and

24 (4) shall monitor, coordinate, and provide training to
25 a person who provides an alcohol awareness program.

26 SECTION 3. Section 11, Article 42.12, Code of Criminal
27 Procedure, is amended by adding Subsection (n) to read as follows:

1 (n)(1) If a judge grants community supervision to a
2 defendant younger than 18 years of age convicted of an
3 alcohol-related offense under Section 106.02, 106.025, 106.04,
4 106.041, 106.05, or 106.07, Alcoholic Beverage Code, or Section
5 49.02, Penal Code, or an offense involving possession of a
6 controlled substance or marihuana under Section 481.115, 481.1151,
7 481.116, 481.1161, 481.117, 481.118, or 481.121, Health and Safety
8 Code, the judge may require the defendant as a condition of
9 community supervision to attend, as appropriate, an alcohol
10 awareness program approved under Section 106.115, Alcoholic
11 Beverage Code, or a drug education program that is designed to
12 educate persons on the dangers of drug abuse and is approved by the
13 Department of State Health Services in accordance with Section
14 521.374, Transportation Code.

15 (2) If a judge requires a defendant as a condition of
16 community supervision to attend an alcohol awareness program or
17 drug education program described by Subdivision (1), unless the
18 judge determines that the defendant is indigent and unable to pay
19 the cost, the judge shall require the defendant to pay the cost of
20 attending the program. The judge may allow the defendant to pay the
21 cost of attending the program in installments during the term of
22 community supervision.

23 SECTION 4. Article 45.051, Code of Criminal Procedure, is
24 amended by amending Subsection (b) and adding Subsection (g) to
25 read as follows:

26 (b) During the deferral period, the judge may require the
27 defendant to:

- 1 (1) post a bond in the amount of the fine assessed to
2 secure payment of the fine;
- 3 (2) pay restitution to the victim of the offense in an
4 amount not to exceed the fine assessed;
- 5 (3) submit to professional counseling;
- 6 (4) submit to diagnostic testing for alcohol or a
7 controlled substance or drug;
- 8 (5) submit to a psychosocial assessment;
- 9 (6) participate in an alcohol or drug abuse treatment
10 or education program, such as:
 - 11 (A) a drug education program that is designed to
12 educate persons on the dangers of drug abuse and is approved by the
13 Department of State Health Services in accordance with Section
14 521.374, Transportation Code; or
 - 15 (B) an alcohol awareness program described by
16 Section 106.115, Alcoholic Beverage Code;
- 17 (7) pay the costs of any diagnostic testing,
18 psychosocial assessment, or participation in a treatment or
19 education program either directly or through the court as court
20 costs;
- 21 (8) complete a driving safety course approved under
22 Chapter 1001, Education Code, or another course as directed by the
23 judge;
- 24 (9) present to the court satisfactory evidence that
25 the defendant has complied with each requirement imposed by the
26 judge under this article; and
- 27 (10) comply with any other reasonable condition.

1 (g) If a judge requires a defendant under Subsection (b) to
2 attend an alcohol awareness program or drug education program as
3 described by Subdivision (6) of that subsection, unless the judge
4 determines that the defendant is indigent and unable to pay the
5 cost, the judge shall require the defendant to pay the cost of
6 attending the program. The judge may allow the defendant to pay the
7 cost of attending the program in installments during the deferral
8 period.

9 SECTION 5. Section 53.03, Family Code, is amended by adding
10 Subsections (h-1) and (h-2) to read as follows:

11 (h-1) If the child is alleged to have engaged in delinquent
12 conduct or conduct indicating a need for supervision that violates
13 Section 481.115, 481.1151, 481.116, 481.1161, 481.117, 481.118, or
14 481.121, Health and Safety Code, deferred prosecution under this
15 section may include a condition that the child attend a drug
16 education program that is designed to educate persons on the
17 dangers of drug abuse and is approved by the Department of State
18 Health Services in accordance with Section 521.374, Transportation
19 Code.

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, 106.041, 106.05, or 106.07,
23 Alcoholic Beverage Code, or Section 49.02, Penal Code, deferred
24 prosecution under this section may include a condition that the
25 child attend an alcohol awareness program described by Section
26 106.115, Alcoholic Beverage Code.

27 SECTION 6. Section 54.047, Family Code, is amended to read

1 as follows:

2 Sec. 54.047. ALCOHOL OR DRUG RELATED OFFENSE. (a) If the
3 court or jury finds at an adjudication hearing for a child that the
4 child engaged in delinquent conduct or conduct indicating a need
5 for supervision [~~or delinquent conduct~~] that constitutes a
6 violation of Section 481.115, 481.1151, 481.116, 481.1161,
7 481.117, 481.118, or 481.121, Health and Safety Code, the court may
8 order that the child attend a drug education program that is
9 designed to educate persons on the dangers of drug abuse and is
10 approved by the Department of State Health Services in accordance
11 with Section 521.374, Transportation Code.

12 (b) If the court or jury finds at an adjudication hearing
13 for a child that the child engaged in delinquent conduct or conduct
14 indicating a need for supervision that violates the alcohol-related
15 offenses in Section 106.02, 106.025, 106.04, 106.041, 106.05, or
16 106.07, Alcoholic Beverage Code, or Section 49.02, Penal Code, the
17 court may order that the child attend an alcohol awareness program
18 described by Section 106.115, Alcoholic Beverage Code.

19 (c) The court shall, in addition to any order described by
20 Subsection (a) or (b), [~~subject to a finding under Section~~
21 ~~54.04(c),~~] order[~~, in addition to any other order authorized by~~
22 ~~this title,~~] that, in the manner provided by Section 106.071(d),
23 Alcoholic Beverage Code:

- 24 (1) the child perform community service; and
25 (2) the child's driver's license or permit be
26 suspended or that the child be denied issuance of a driver's license
27 or permit.

1 (d) An order under this section:

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

3 and

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

6 (e) The Department of State Health Services:

7 (1) is responsible for the administration of the
8 certification of drug education programs;

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

10 (A) initial certification of approval; or

11 (B) renewal of the certification;

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

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

16 (f) If the court orders a child under Subsection (a) or (b)
17 to attend a drug education program or alcohol awareness program,
18 unless the court determines that the parent or guardian of the child
19 is indigent and unable to pay the cost, the court shall require the
20 child's parent or a guardian of the child to pay the cost of
21 attending the program. The court shall allow the child's parent or
22 guardian to pay the cost of attending the program in installments.

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

25 (a) A person whose license is suspended under Section
26 521.372 may attend an educational program, approved by the
27 Department of State Health Services [~~Texas Commission on Alcohol~~

1 ~~and Drug Abuse]~~ under rules adopted by the executive commissioner
2 of the Health and Human Services Commission [~~commission~~] and the
3 department, that is designed to educate persons on the dangers of
4 drug abuse.

5 SECTION 8. This Act takes effect September 1, 2015.

President of the Senate

Speaker of the House

I certify that H.B. No. 642 was passed by the House on April 30, 2015, by the following vote: Yeas 137, Nays 2, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 642 on May 27, 2015, by the following vote: Yeas 142, Nays 1, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 642 was passed by the Senate, with amendments, on May 24, 2015, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor