

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.