

By: West

S.B. No. 417

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility of certain persons to participate in a drug court program.

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

SECTION 1. Section 123.002, Government Code, is amended to read as follows:

Sec. 123.002. AUTHORITY TO ESTABLISH PROGRAM. The commissioners court of a county or governing body of a municipality may establish the following types of drug court programs:

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

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

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

~~[(i) carrying, possessing, or using a firearm or other dangerous weapon,~~

~~[(ii) the use of force against the person of another; or~~

~~[(iii) the death of or serious bodily~~

1 ~~injury to another~~];

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

4 (A) delinquent conduct, including habitual
5 felony conduct, or conduct indicating a need for supervision in
6 which an element of the conduct is the use or possession of alcohol
7 or the use, possession, or sale of a controlled substance, a
8 controlled substance analogue, or marihuana; or

9 (B) delinquent conduct, including habitual
10 felony conduct, or conduct indicating a need for supervision in
11 which the use of alcohol or a controlled substance is suspected to
12 have significantly contributed to the commission of the conduct
13 ~~[and the conduct did not involve:~~

14 ~~[(i) carrying, possessing, or using a~~
15 ~~firearm or other dangerous weapon;~~

16 ~~[(ii) the use of force against the person of~~
17 ~~another; or~~

18 ~~[(iii) the death of or serious bodily~~
19 ~~injury to another~~];

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

25 (4) family dependency drug treatment courts for family
26 members involved in a suit affecting the parent-child relationship
27 in which a parent's use of alcohol or a controlled substance is a

1 primary consideration in the outcome of the suit; or

2 (5) programs for other persons not precisely described
3 by Subdivisions (1)-(4) who may benefit from a program that has the
4 essential characteristics described by Section [123.001](#).

5 SECTION 2. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section [39](#), Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2015.