

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

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.

# ADOPTED

MAY 24 2015

*Atty. Gen.*  
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: J. J. King

1 Amend H.B. No. 642 (senate committee printing) by adding the  
2 following appropriately numbered SECTIONS to the bill and  
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION \_\_\_\_\_. Section 106.071(e), Alcoholic Beverage Code,  
5 is amended to read as follows:

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

13 SECTION \_\_\_\_\_. Section 106.115(a), Alcoholic Beverage Code,  
14 is amended to read as follows:

15 (a) On the placement of a minor on deferred disposition for  
16 an offense under Section 49.02, Penal Code, or under Section  
17 106.02, 106.025, 106.04, 106.041, 106.05, or 106.07, the court  
18 shall require the defendant to attend an alcohol awareness program  
19 approved by the Department of State Health Services under this  
20 section, a drug education program approved by the Department of  
21 State Health Services in accordance with Section 521.374,  
22 Transportation Code, or a drug and alcohol driving awareness  
23 program approved by the Texas Education Agency. On conviction of a  
24 minor of an offense under one or more of those sections, the court,  
25 in addition to assessing a fine as provided by those sections, shall  
26 require a defendant who has not been previously convicted of an  
27 offense under one of those sections to attend an alcohol awareness  
28 program, a drug education program, or a drug and alcohol driving  
29 awareness program described by this subsection. If the defendant

1 has been previously convicted once or more of an offense under one  
2 or more of those sections, the court may require the defendant to  
3 attend an alcohol awareness program, a drug education program, or a  
4 drug and alcohol driving awareness program described by this  
5 subsection. If the defendant is younger than 18 years of age, the  
6 court may require the parent or guardian of the defendant to attend  
7 the program with the defendant. The Department of State Health  
8 Services:

9           (1) is responsible for the administration of the  
10 certification of approved alcohol awareness programs;

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

12                   (A) initial certification of the approval; or

13                   (B) renewal of the certification;

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

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



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 25, 2015**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB642** by Canales (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.), **As Passed 2nd House**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Code of Criminal Procedure and Family Code to permit a judge to require certain defendants, as a condition of community supervision, to attend and complete an alcohol awareness program, approved under Section 106.115, Alcoholic Beverage Code or drug education program, approved by the Department of State Health Services. The bill would require a judge to order the defendant to pay the cost of attending the program, unless the defendant is found to be indigent or unable to pay the cost. Under certain circumstances, the judge would be permitted to require the defendant's parent or guardian to pay the cost of attending the program. Under the provisions of the bill, the Department of State Health Services would be responsible for the administration of the program, provide training to a person who provides the program, and would be required to adopt rules regarding the drug education program.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 537 State Health Services, Department of, 644 Juvenile Justice Department, 696 Department of Criminal Justice

**LBB Staff:** UP, EK, KJo, ESi, AI, JN, RCa

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 18, 2015**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB642** by Canales (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.), **As Engrossed**

<b>No significant fiscal implication to the State is anticipated.</b>
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**LBB Staff:** UP, KJo, ESi, AI, EK, JN, RCa

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**April 6, 2015**

**TO:** Honorable Harold V. Dutton, Jr., Chair, House Committee on Juvenile Justice & Family Issues

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** **HB642** by Canales (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.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Code of Criminal Procedure and Family Code to permit a judge to require certain defendants, as a condition of community supervision, to attend and complete an alcohol awareness program, approved under Section 106.115, Alcoholic Beverage Code or drug education program, approved by the Department of State Health Services. The bill would require a judge to order the defendant to pay the cost of attending the program, unless the defendant is found to be indigent or unable to pay the cost. Under certain circumstances, the judge would be permitted to require the defendant's parent or guardian to pay the cost of attending the program. Under the provisions of the bill, the Department of State Health Services would be responsible for the administration of the program, provide training to a person who provides the program, and would be required to adopt rules regarding the drug education program.

**Local Government Impact**

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**LBB Staff:** UP, ESi, AI, EK, JN, RCa