

BILL ANALYSIS

H.B. 3391
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that public safety personnel serve in a profession that is known for high levels of danger and stress, which can result in isolated cases of misconduct. The parties contend that such personnel often need treatment, not punishment. H.B. 3391 seeks to address this issue by authorizing the establishment of a public safety employees treatment court program.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3391 amends the Government Code to authorize a county commissioners court to establish a public safety employees treatment court program for certain peace officers, firefighters, detention officers, county jailers, and emergency medical services employees of the state or a political subdivision of the state who are arrested for or charged with any misdemeanor or felony offense. The bill specifies essential characteristics of such a program, sets out eligibility requirements for program participation, and requires the court in which the criminal case is pending to allow an eligible defendant to choose whether to proceed through the program or otherwise through the criminal justice system. The bill requires the court in which a program participant's criminal case is pending to dismiss the case, after notice to the attorney representing the state and a hearing in the public safety employees treatment court at which that court determines that a dismissal is in the best interest of justice, if the participant successfully completes the program. The bill authorizes proof of circumstances triggering a defendant's eligibility for program participation to be submitted to the court in which the criminal case is pending in any form the court determines to be appropriate and requires the court's findings to accompany any docketed case.

H.B. 3391 sets out the duties of a public safety employees treatment court program, which include providing a participant with a court-ordered individualized treatment plan, and requires a program to make, establish, and publish local procedures to ensure maximum participation of eligible defendants in the county or counties in which those defendants reside. The bill authorizes a program to allow a participant to comply with the participant's court-ordered individualized treatment plan or to fulfill certain other court obligations through the use of videoconferencing software or other Internet-based communications. The bill expressly does not prevent the initiation of procedures relating to a defendant's incompetency to stand trial.

H.B. 3391 authorizes the commissioners courts of two or more counties to elect to establish a regional public safety employees treatment court program for the participating counties. The bill establishes that each county that elects to establish a regional program is considered to have established the program and is entitled to retain fees as authorized by state law in certain intoxication and drug cases in the same manner as if the county had established a public safety employees treatment court program without participating in a regional program.

H.B. 3391 authorizes a public safety employees treatment court program to collect from a program participant a reasonable program fee capped at \$1,000 and a testing, counseling, and treatment fee in an amount necessary to cover the costs of such services performed or provided under the program. The bill authorizes such fees to be paid on a periodic basis or on a deferred payment schedule at the discretion of the judge, magistrate, or coordinator and requires the fees to be based on the participant's ability to pay and used only for purposes specific to the program.

H.B. 3391 authorizes a public safety employees treatment court program that accepts placement of a defendant to transfer responsibility for supervising the defendant's participation in the program to another such program that is located in the county where the defendant works or resides, but only with the consent of both programs and the defendant. The bill requires a defendant who consents to the transfer of the defendant's supervision to agree to abide by all rules, requirements, and instructions of the program that accepts the transfer. If a defendant whose supervision is transferred does not successfully complete the program, the program supervising the defendant is required to return the responsibility for the defendant's supervision to the program that initiated the transfer. The bill authorizes a court in which a criminal case is pending against a defendant charged with an offense in a county that does not operate a public safety employees treatment court program to place the defendant in a program located in the county where the defendant works or resides, provided that a program is operated in that county and the defendant agrees to the placement, and requires the defendant to agree to abide by all rules, requirements, and instructions of the program in which the defendant is placed.

H.B. 3391 includes a public safety employees treatment court program as a specialty court for purposes of the specialty courts advisory council within the criminal justice division of the governor's office.

H.B. 3391 amends the Code of Criminal Procedure to include the funding of public safety employees treatment court programs among the purposes for which certain funds deposited to the credit of the drug court account in the general revenue fund may be used.

EFFECTIVE DATE

September 1, 2017.