

BILL ANALYSIS

Senate Research Center

S.B. 1147
By: Buckingham
Criminal Justice
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1147 expands the community supervision treatment options to include medical-assisted treatment (MAT) for certain individuals convicted of driving under the influence of drugs or alcohol.

Alcohol dependency continues to be a growing problem throughout the state of Texas. According to the National Survey on Drug Use and Health, almost 1.8 million adults in Texas qualify as suffering from alcohol dependence or abuse. Furthermore, roughly 70,000 people were arrested in 2017 for DWI in Texas, an 11.3 percent increase from 2016.

Under current law, a defendant convicted of driving under the influence who is granted community supervision is required to undergo a mandatory drug and alcohol assessment. If the assessment so indicates, the judge is required to order the appropriate level of treatment for the defendant.

For a number of these individuals, recent research has demonstrated that FDA-approved medication-assisted treatment, coupled with psychosocial therapy, can be an effective substance abuse treatment option for both opioid and alcohol dependency. However, current law does not allow judges to provide defendants with the option to consider MAT therapy as part of their treatment plan.

To address this issue, S.B. 1147 would align state law with national standards of care by permitting FDA-approved medication-assisted treatments to be considered as an available option for defendants convicted of driving under the influence as part of their community supervision treatment plans. (Original Author's/Sponsor's Statement of Intent)

S.B. 1147 amends current law relating to conditions of community supervision applicable to certain intoxication offenses.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 42A.402, Code of Criminal Procedure, by adding Subsection (e), as follows:

- (e) Authorizes the judge, if, based on the evaluation conducted under Subsection (d) (relating to requiring a judge who grants community supervision to a defendant convicted of certain offenses to evaluate the defendant for the need for treatment for drug or alcohol dependency if the defendant has not already submitted to an evaluation under Article 42A.257 (Evaluation For Purposes of Alcohol or Drug Rehabilitation) before receiving community supervision), the judge determines that the defendant would likely benefit from medication-assisted treatment approved by the United States Food and Drug Administration for alcohol dependence, to require as a condition of community supervision that the defendant submit to an evaluation by a licensed physician to

determine whether the defendant would benefit from medication-assisted treatment. Authorizes only a licensed physician to recommend that a defendant participate in medication-assisted treatment. Entitles a defendant to refuse to participate in medication-assisted treatment, and prohibits a judge from requiring as a condition of community supervision that the defendant participate in medication-assisted treatment.

SECTION 2. Provides that the change in law made by this Act applies to a defendant placed on community supervision on or after the effective date of this Act, regardless of whether the offense for which the defendant was placed on community supervision was committed before, on, or after the effective date of this Act.

SECTION 3. Effective date: September 1, 2019.