

By: Cole

H.B. No. 818

A BILL TO BE ENTITLED

AN ACT

relating to the release by a peace officer of certain individuals suspected of the offense of public intoxication.

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

SECTION 1. Articles 14.031(a) and (c), Code of Criminal Procedure, are amended to read as follows:

(a) In lieu of arresting an individual who is not a child, as defined by Section 51.02, Family Code, and who commits an offense under Section 49.02, Penal Code, a peace officer may release the individual if:

(1) the officer believes detention in a penal facility is unnecessary for the protection of the individual or others; and

(2) the individual:

(A) is released to the care of an adult who agrees to assume responsibility for the individual; ~~or~~

(B) verbally consents to voluntary treatment for substance use ~~[chemical dependency]~~ in a program in a treatment facility licensed and approved by the Health and Human Services ~~[Texas]~~ Commission ~~[on Alcohol and Drug Abuse]~~, and the program admits the individual for treatment; or

(C) verbally consents to voluntary admission to a facility that provides a place for individuals to become sober under supervision, and the facility admits the individual for supervision.

1 (c) The release of an individual under Subsection (a) or (b)
2 of this article to a substance use [~~an alcohol or drug~~] treatment
3 program or a facility that provides a place for individuals to
4 become sober under supervision may not be considered by a peace
5 officer or magistrate in determining whether the individual should
6 be released to such a program or facility for a subsequent incident
7 or arrest under Section [49.02](#), Penal Code.

8 SECTION 2. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section [39](#), Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2019.