

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.