

By: Watson

S.B. No. 306

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the release by a peace officer of certain individuals  
3 suspected of the offense of public intoxication.

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

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

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

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

13 (2) the individual:

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

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

21 (C) verbally consents to voluntary admission to a  
22 facility that provides a place for individuals to become sober  
23 under supervision, and the facility admits the individual for  
24 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.