

1-1 By: Watson, Menéndez, Miles S.B. No. 306  
1-2 (In the Senate - Filed January 7, 2019; February 7, 2019,  
1-3 read first time and referred to Committee on Criminal Justice;  
1-4 March 21, 2019, reported favorably by the following vote: Yeas 7,  
1-5 Nays 0; March 21, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Whitmire	X		
1-9	Huffman	X		
1-10	Buckingham	X		
1-11	Flores	X		
1-12	Hughes	X		
1-13	Miles	X		
1-14	Perry	X		

1-15 A BILL TO BE ENTITLED  
1-16 AN ACT

1-17 relating to the release by a peace officer of certain individuals  
1-18 suspected of the offense of public intoxication.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Articles 14.031(a) and (c), Code of Criminal  
1-21 Procedure, are amended to read as follows:

1-22 (a) In lieu of arresting an individual who is not a child, as  
1-23 defined by Section 51.02, Family Code, and who commits an offense  
1-24 under Section 49.02, Penal Code, a peace officer may release the  
1-25 individual if:

1-26 (1) the officer believes detention in a penal facility  
1-27 is unnecessary for the protection of the individual or others; and

1-28 (2) the individual:

1-29 (A) is released to the care of an adult who agrees  
1-30 to assume responsibility for the individual; ~~or~~

1-31 (B) verbally consents to voluntary treatment for  
1-32 substance use ~~[chemical dependency]~~ in a program in a treatment  
1-33 facility licensed and approved by the Health and Human Services  
1-34 ~~[Texas]~~ Commission ~~[on Alcohol and Drug Abuse]~~, and the program  
1-35 admits the individual for treatment; or

1-36 (C) verbally consents to voluntary admission to a  
1-37 facility that provides a place for individuals to become sober  
1-38 under supervision, and the facility admits the individual for  
1-39 supervision.

1-40 (c) The release of an individual under Subsection (a) or (b)  
1-41 of this article to a substance use ~~[an alcohol or drug]~~ treatment  
1-42 program or a facility that provides a place for individuals to  
1-43 become sober under supervision may not be considered by a peace  
1-44 officer or magistrate in determining whether the individual should  
1-45 be released to such a program or facility for a subsequent incident  
1-46 or arrest under Section 49.02, Penal Code.

1-47 SECTION 2. This Act takes effect immediately if it receives  
1-48 a vote of two-thirds of all the members elected to each house, as  
1-49 provided by Section 39, Article III, Texas Constitution. If this  
1-50 Act does not receive the vote necessary for immediate effect, this  
1-51 Act takes effect September 1, 2019.

1-52 \* \* \* \* \*