

# SENATE AMENDMENTS

## 2<sup>nd</sup> Printing

By: Metcalf, Ramos, Guillen

H.B. No. 2481

A BILL TO BE ENTITLED

AN ACT

relating to the administration of a veterans treatment court program.

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

SECTION 1. Section 124.003(b), Government Code, is amended to read as follows:

(b) A veterans treatment court program established under this chapter shall make, establish, and publish local procedures to ensure maximum participation of eligible defendants in the program [~~county or counties in which those defendants reside~~].

SECTION 2. Sections 124.006(a) and (d), Government Code, are amended to read as follows:

(a) A veterans treatment court program that accepts placement of a defendant may transfer responsibility for supervising the defendant's participation in the program to another veterans treatment court program that is located in the county where the defendant works or resides or in a county adjacent to the county where the defendant works or resides. The defendant's supervision may be transferred under this section only with the consent of both veterans treatment court programs and the defendant.

(d) If a defendant is charged with an offense in a county that does not operate a veterans treatment court program, the court in which the criminal case is pending may place the defendant in a

1 veterans treatment court program located in the county where the  
2 defendant works or resides or in a county adjacent to the county  
3 where the defendant works or resides, provided that a program is  
4 operated in that county and the defendant agrees to the placement.  
5 A defendant placed in a veterans treatment court program in  
6 accordance with this subsection must agree to abide by all rules,  
7 requirements, and instructions of the program.

8 SECTION 3. 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.

ADOPTED

MAY 19 2019

FLOOR AMENDMENT NO. 1

BY: Brandon Coe  
Leta Spaw  
Secretary of the Senate

1 Amend H.B. No. 2481 (senate committee printing) by adding the  
2 following appropriately numbered SECTIONS to the bill and  
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION \_\_. Subtitle K, Title 2, Government Code, is amended  
5 by adding Chapter 130 to read as follows:

6 CHAPTER 130. JUVENILE FAMILY DRUG COURT PROGRAM

7 Sec. 130.001. JUVENILE FAMILY DRUG COURT PROGRAM

8 DEFINED. In this chapter, "juvenile family drug court program"  
9 means a program that has the following essential characteristics:

10 (1) the integration of substance abuse treatment  
11 services in the processing of cases and proceedings under Title 3,  
12 Family Code;

13 (2) the use of a comprehensive case management approach  
14 involving court-appointed case managers and court-appointed  
15 special advocates to rehabilitate an individual who is suspected  
16 of substance abuse and who resides with a child who is the subject  
17 of a case filed under Title 3, Family Code;

18 (3) early identification and prompt placement of  
19 eligible individuals who volunteer to participate in the program;

20 (4) comprehensive substance abuse needs assessment and  
21 referrals to appropriate substance abuse treatment agencies for  
22 participants;

23 (5) a progressive treatment approach with specific  
24 requirements for participants to meet for successful completion of  
25 the program;

26 (6) monitoring of abstinence through periodic screening  
27 for alcohol or screening for controlled substances;

28 (7) ongoing judicial interaction with program  
29 participants;

1           (8) monitoring and evaluation of program goals and  
2 effectiveness;

3           (9) continuing interdisciplinary education for the  
4 promotion of effective program planning, implementation, and  
5 operation; and

6           (10) development of partnerships with public agencies  
7 and community organizations.

8           Sec. 130.002. AUTHORITY TO ESTABLISH PROGRAM. The  
9 commissioners court of a county may establish a juvenile family  
10 drug court program for individuals who:

11           (1) are suspected by the Department of Family and  
12 Protective Services or the court of having a substance abuse  
13 problem; and

14           (2) reside in the home of a child who is the subject of  
15 a case filed under Title 3, Family Code.

16           Sec. 130.003. PARTICIPANT PAYMENT FOR TREATMENT AND  
17 SERVICES. A juvenile family drug court program may require a  
18 participant to pay the cost of all treatment and services received  
19 while participating in the program, based on the participant's  
20 ability to pay.

21           Sec. 130.004. FUNDING. A county that creates a juvenile  
22 family drug court under this chapter shall explore the possibility  
23 of using court improvement project money to finance the juvenile  
24 family drug court in the county. The county also shall explore the  
25 availability of federal and state matching money to finance the  
26 court.

27           SECTION \_\_. Article 102.0178(g), Code of Criminal Procedure,  
28 is amended to read as follows:

29           (g) The comptroller shall deposit the funds received under  
30 this article to the credit of the drug court account in the general  
31 revenue fund to help fund drug court programs established under

1 Chapter 122, 123, 124, 125, [~~or~~] 129, or 130, Government Code, or  
2 former law. The legislature shall appropriate money from the  
3 account solely to the criminal justice division of the governor's  
4 office for distribution to drug court programs that apply for the  
5 money.

6 SECTION \_\_. Section 102.021, Government Code, is amended to  
7 read as follows:

8 Sec. 102.021. COURT COSTS ON CONVICTION: CODE OF CRIMINAL  
9 PROCEDURE. A person convicted of an offense shall pay the  
10 following under the Code of Criminal Procedure, in addition to all  
11 other costs:

12 (1) court cost on conviction of any offense, other than  
13 a conviction of an offense relating to a pedestrian or the parking  
14 of a motor vehicle (Art. 102.0045, Code of Criminal Procedure) .  
15 . . \$4;

16 (2) a fee for services of prosecutor (Art. 102.008,  
17 Code of Criminal Procedure) . . . \$25;

18 (3) fees for services of peace officer:

19 (A) issuing a written notice to appear in court  
20 for certain violations (Art. 102.011, Code of Criminal Procedure)  
21 . . . \$5;

22 (B) executing or processing an issued arrest  
23 warrant, capias, or capias pro fine (Art. 102.011, Code of Criminal  
24 Procedure) . . . \$50;

25 (C) summoning a witness (Art. 102.011, Code of  
26 Criminal Procedure) . . . \$5;

27 (D) serving a writ not otherwise listed (Art.  
28 102.011, Code of Criminal Procedure) . . . \$35;

29 (E) taking and approving a bond and, if necessary,  
30 returning the bond to courthouse (Art. 102.011, Code of Criminal  
31 Procedure) . . . \$10;

1 (F) commitment or release (Art. 102.011, Code of  
2 Criminal Procedure) . . . \$5;

3 (G) summoning a jury (Art. 102.011, Code of  
4 Criminal Procedure) . . . \$5;

5 (H) attendance of a prisoner in habeas corpus case  
6 if prisoner has been remanded to custody or held to bail (Art.  
7 102.011, Code of Criminal Procedure) . . . \$8 each day;

8 (I) mileage for certain services performed (Art.  
9 102.011, Code of Criminal Procedure) . . . \$0.29 per mile; and

10 (J) services of a sheriff or constable who serves  
11 process and attends examining trial in certain cases (Art. 102.011,  
12 Code of Criminal Procedure) . . . not to exceed \$5;

13 (4) services of a peace officer in conveying a witness  
14 outside the county (Art. 102.011, Code of Criminal Procedure) . .  
15 . \$10 per day or part of a day, plus actual necessary travel  
16 expenses;

17 (5) overtime of peace officer for time spent testifying  
18 in the trial or traveling to or from testifying in the trial (Art.  
19 102.011, Code of Criminal Procedure) . . . actual cost;

20 (6) court costs on an offense relating to rules of the  
21 road, when offense occurs within a school crossing zone (Art.  
22 102.014, Code of Criminal Procedure) . . . \$25;

23 (7) court costs on an offense of passing a school bus  
24 (Art. 102.014, Code of Criminal Procedure) . . . \$25;

25 (8) court costs on an offense of parent contributing to  
26 student nonattendance (Art. 102.014, Code of Criminal Procedure)  
27 . . . \$20;

28 (9) cost for visual recording of intoxication arrest  
29 before conviction (Art. 102.018, Code of Criminal Procedure) . .  
30 . \$15;

31 (10) cost of certain evaluations (Art. 102.018, Code of

1 Criminal Procedure) . . . actual cost;

2 (11) additional costs attendant to certain intoxication  
3 convictions under Chapter 49, Penal Code, for emergency medical  
4 services, trauma facilities, and trauma care systems (Art.  
5 102.0185, Code of Criminal Procedure) . . . \$100;

6 (12) additional costs attendant to certain child sexual  
7 assault and related convictions, for child abuse prevention  
8 programs (Art. 102.0186, Code of Criminal Procedure) . . . \$100;

9 (13) court cost for DNA testing for certain felonies  
10 (Art. 102.020(a)(1), Code of Criminal Procedure) . . . \$250;

11 (14) court cost for DNA testing for certain  
12 misdemeanors and felonies (Art. 102.020(a)(2), Code of Criminal  
13 Procedure) . . . \$50;

14 (15) court cost for DNA testing for certain felonies  
15 (Art. 102.020(a)(3), Code of Criminal Procedure) . . . \$34;

16 (16) if required by the court, a restitution fee for  
17 costs incurred in collecting restitution installments and for the  
18 compensation to victims of crime fund (Art. 42.037, Code of  
19 Criminal Procedure) . . . \$12;

20 (17) if directed by the justice of the peace or  
21 municipal court judge hearing the case, court costs on conviction  
22 in a criminal action (Art. 45.041, Code of Criminal Procedure) .  
23 . . part or all of the costs as directed by the judge; and

24 (18) costs attendant to convictions under Chapter 49,  
25 Penal Code, and under Chapter 481, Health and Safety Code, to help  
26 fund drug court programs established under Chapter 122, 123, 124,  
27 [~~125~~] 125, 129, or 130, Government Code, or former law (Art.  
28 102.0178, Code of Criminal Procedure) . . . \$60.

29 SECTION \_\_. Subchapter B, Chapter 103, Government Code, is  
30 amended by adding Section 103.02713 to read as follows:

31 Sec. 103.02713. ADDITIONAL MISCELLANEOUS FEES AND COSTS:

1 GOVERNMENT CODE. A participant in a juvenile family drug court  
2 program shall pay, if ordered by the court or otherwise required,  
3 in addition to any other fees or costs, a treatment and services  
4 fee in an amount to cover the cost of all treatment and services  
5 received.



**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 21, 2019**

**TO:** Honorable Dennis Bonnen, Speaker of the House, House of Representatives

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB2481** by Metcalf (Relating to the administration of a veterans treatment court program.), **As Passed 2nd House**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Government Code to allow a veterans treatment court program to transfer responsibility for supervising a defendant's participation in a program to another veterans court treatment program in a county adjacent to the county where a defendant resides. The bill would also allow a court to place a defendant in a pending criminal case in a veterans court program in a county adjacent to the county where the defendant resides.

The bill would amend the Government Code to permit a county commissioner's court to establish a Juvenile Family Drug Court Program.

Based on the analysis of the Office of Court Administration, the Veterans Commission, the Office of the Governor, the Comptroller of Public Accounts, and the Department of Family and Protective Services, duties and responsibilities associated with implementing the provisions of the bill could be accomplished using existing resources.

The bill would take effect immediately if it receives a vote of two-thirds of all the members elected to each house, or September 1, 2019.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 300 Trusteed Programs Within the Office of the Governor, 304 Comptroller of Public Accounts, 530 Family and Protective Services, Department of, 403 Veterans Commission, 405 Department of Public Safety, 696 Department of Criminal Justice

**LBB Staff:** WP, LBO, MW, DA, SMi, AF

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 14, 2019**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB2481** by Metcalf (Relating to the administration of a veterans treatment court program.), **As Engrossed**

<b>No significant fiscal implication to the State is anticipated.</b>
---

The bill would amend the Government Code to allow a veterans treatment court program to transfer responsibility for supervising a defendants participation in a program to another veterans court treatment program in a county adjacent to the county where a defendant resides. The bill would also allow a court to place a defendant in a pending criminal case in a veterans court program in a county adjacent to the county where the defendants resides.

Based on the analysis of the Office of Court Administration and the Veterans Commission, duties and responsibilities associated with implementing the provisions of the bill could be accomplished using existing resources.

The bill would take effect immediately if it receives a vote of two-thirds of all the members elected to each house, or September 1, 2019.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**     212 Office of Court Administration, Texas Judicial Council, 403 Veterans Commission, 405 Department of Public Safety, 696 Department of Criminal Justice

**LBB Staff:** WP, LBO, MW, DA, SMi, AF

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**April 15, 2019**

**TO:** Honorable James White, Chair, House Committee on Corrections

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB2481** by Metcalf (relating to the administration of a veterans treatment court program.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Government Code to allow a veterans treatment court program to transfer responsibility for supervising a defendants participation in a program to another veterans court treatment program in a county adjacent to the county where a defendant resides. The bill would also allow a court to place a defendant in a pending criminal case in a veterans court program in a county adjacent to the county where the defendants resides.

Based on the analysis of the Office of Court Administration and the Veterans Commission, duties and responsibilities associated with implementing the provisions of the bill could be accomplished using existing resources.

The bill would take effect immediately if it receives a vote of two-thirds of all the members elected to each house, or September 1, 2019.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**        212 Office of Court Administration, Texas Judicial Council, 403 Veterans Commission, 405 Department of Public Safety, 696 Department of Criminal Justice

**LBB Staff:** WP, LBO, MW, DA, SMi, AF

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**April 10, 2019**

**TO:** Honorable James White, Chair, House Committee on Corrections

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB2481** by Metcalf (Relating to the administration of a veterans treatment court program and the eligibility for deferred adjudication community supervision of certain defendants who are eligible to participate in a veterans treatment court program and who committed certain intoxication offenses and the conditions of that supervision.), **As Introduced**

<p><b>No significant fiscal implication to the State is anticipated except for an indeterminate impact associated with amending the Code of Criminal Procedure Code, as described below.</b></p>
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The bill would amend the Code of Criminal Procedure and the Government Code to permit a judge to grant deferred adjudication probation to a defendant charged with certain intoxication offenses if the defendant meets the requirements for entry into a veteran's treatment court program.

The bill would amend the Code of Criminal Procedure as it relates to a judge's ability to grant deferred adjudication community supervision. Under the provisions of the bill a judge would now be allowed to grant deferred adjudication community supervision to individuals who committed certain intoxication offenses as long as the individual did not have a commercial driver's licenses or commercial learner's permit at the time of the offense. The probable fiscal impact of implementing the bill is indeterminate due to the lack of data necessary to determine the number of people arrested for certain intoxicated related offenses who held a commercial driver's license permit or a commercial learner's permit at the time of offense. These data are necessary to estimate the fiscal impact of the bill's provisions related to placement onto deferred adjudication community supervision.

The bill would permit a defendant placed on deferred adjudication probation for an intoxication misdemeanor to petition the court for an order of nondisclosure if the defendant receives a discharge and dismissal, satisfies the required conditions, and had never been previously convicted of or placed on deferred adjudication probation for another offense, other than a traffic offense punishable by fine only.

The bill would permit a judge to require a defendant, as a condition of probation, to install an ignition interlock device on the defendant's vehicle.

Based on the analysis of the Office of Court Administration and the Veterans Commission, duties and responsibilities associated with implementing the provisions of the bill could be accomplished using existing resources.

The bill would take effect September 1, 2019.

**Local Government Impact**

Williamson County does not anticipate a significant fiscal impact to their county.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 403 Veterans Commission, 405 Department of Public Safety, 696 Department of Criminal Justice

**LBB Staff:** WP, LBO, MW, DA, SMi, AF

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**86TH LEGISLATIVE REGULAR SESSION**

**May 21, 2019**

**TO:** Honorable Dennis Bonnen, Speaker of the House, House of Representatives

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB2481** by Metcalf (Relating to the administration of a veterans treatment court program.), **As Passed 2nd House**

The provisions of the bill addressed by this analysis would amend various codes as they relate to the veterans treatment court program, the establishment of a juvenile family drug court program, and the funding of, and fees collected for, these programs. Under the provisions of the bill, a defendant placed into a veterans treatment court program would be allowed to attend the program in a county other than the one in which the defendant works or resides. The bill would also permit county commissioner's courts to establish juvenile family drug court programs and specify both the source of funding and the persons responsible for paying fees for these programs.

This analysis assumes the provisions of the bill would not result in a significant impact on the demand for state correctional resources. The bill does not expressly create a felony offense, increase the punishment for an existing misdemeanor to that of a felony, increase the punishment for an existing felony offense or category of felony level offenses, or change the eligibility of a person for felony community supervision, parole, or mandatory supervision.

**Source Agencies:**

**LBB Staff:** WP, LM, DGi

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**86TH LEGISLATIVE REGULAR SESSION**

**April 15, 2019**

**TO:** Honorable James White, Chair, House Committee on Corrections

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB2481** by Metcalf (relating to the administration of a veterans treatment court program.), **Committee Report 1st House, Substituted**

The provisions of the bill addressed by this analysis would amend the Government Code as it relates to the veterans treatment court program. Under the provisions of the bill, a defendant placed into a veterans treatment court program would be allowed to attend the program in a county other than the one in which the defendant works or resides.

This analysis assumes the provisions of the bill would not result in a significant impact on the demand for state correctional resources. The bill does not expressly create a felony offense, increase the punishment for an existing misdemeanor to that of a felony, increase the punishment for an existing felony offense or category of felony level offenses, or change the eligibility of a person for felony community supervision, parole, or mandatory supervision.

**Source Agencies:**

**LBB Staff:** WP, LM, DGi

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**86TH LEGISLATIVE REGULAR SESSION**

**April 11, 2019**

**TO:** Honorable James White, Chair, House Committee on Corrections

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB2481** by Metcalf (Relating to the administration of a veterans treatment court program and the eligibility for deferred adjudication community supervision of certain defendants who are eligible to participate in a veterans treatment court program and who committed certain intoxication offenses and the conditions of that supervision.), **As Introduced**

The provisions of the bill addressed by this analysis would amend various codes as they relate to deferred adjudication for persons meeting eligibility requirements for veterans' treatment court programs and who have been charged with certain intoxication offenses. Under the provisions of the bill, a judge would now be allowed to grant deferred adjudication community supervision to individuals who committed certain intoxication offenses as long as the individual did not hold certain motor vehicles licenses at the time of the offense.

A Class A misdemeanor is punishable by confinement in county jail for a term not to exceed one year and, in addition to confinement, an optional fine not to exceed \$4,000. A Class B misdemeanor is punishable by confinement in county jail for a term not to exceed 180 days and in addition to confinement, an optional fine not to exceed \$2,000.

Creating a new sentencing option for individuals charged with these intoxication offenses is expected to result in additional demand for the correctional resources of counties or of the State due to an increase in the number of individuals placed under deferred adjudication community supervision. In fiscal year 2018, 68,301 persons were arrested, 18,152 were placed onto adjudicated community supervision, and fewer than ten were admitted into state correctional facilities for the intoxication offenses specified under the provisions of the bill. Whether the bill would have a significant population impact is indeterminate due to a lack of statewide data necessary to exclude from these groups the number of persons who held certain motor vehicle licenses at the time of offense. These data are necessary to estimate the population impact of the bill's provisions related to those eligible for placement onto deferred adjudication community supervision.

**Source Agencies:**

**LBB Staff:** WP, LM, DGi