

By: J. Johnson of Harris

H.B. No. 2791

A BILL TO BE ENTITLED

AN ACT

1
2 relating to confinement and treatment in a substance abuse felony
3 punishment facility under a plea bargain agreement.

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

5 SECTION 1. Article [42A.303](#), Code of Criminal Procedure, is
6 amended by adding Subsection (c-1) to read as follows:

7 (c-1) A judge may not impose the condition of community
8 supervision described by this article on a defendant who has agreed
9 to serving a term of confinement and treatment in a substance abuse
10 felony punishment facility as part of a plea bargain agreement
11 between the defendant and the attorney representing the state that
12 has been otherwise approved by the court unless the judge
13 determines that the defendant is a suitable candidate for treatment
14 based on the suitability criteria established under Section
15 [493.009\(b\)](#), Government Code. If the judge does not impose a
16 condition under this article, the plea bargain agreement remains
17 valid and the other terms of the plea bargain agreement are
18 unaffected.

19 SECTION 2. The change in law made by this Act applies only
20 to an offense committed on or after the effective date of this Act.
21 An offense committed before the effective date of this Act is
22 governed by the law in effect on the date the offense was committed,
23 and the former law is continued in effect for that purpose. For
24 purposes of this section, an offense was committed before the

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1 effective date of this Act if any element of the offense occurred
2 before that date.

3 SECTION 3. This Act takes effect September 1, 2021.