

1-1 By: Johnson S.B. No. 1480
 1-2 (In the Senate - Filed March 10, 2021; March 24, 2021, read
 1-3 first time and referred to Committee on Criminal Justice;
 1-4 April 21, 2021, reported favorably by the following vote: Yeas 6,
 1-5 Nays 0; April 21, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13			X	
1-14	X			

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

1-17 relating to the licensing and regulation of certain drug and
 1-18 alcohol related court-ordered educational programs; providing
 1-19 administrative penalties; requiring occupational licenses;
 1-20 authorizing fees; creating criminal offenses.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Title 2, Government Code, is amended by adding
 1-23 Subtitle M to read as follows:

1-24 SUBTITLE M. COURT PROGRAMS REGULATION

1-25 CHAPTER 171. EDUCATIONAL PROGRAMS REGULATED BY TEXAS DEPARTMENT OF
 1-26 LICENSING AND REGULATION

1-27 SUBCHAPTER A. GENERAL PROVISIONS

1-28 Sec. 171.0001. DEFINITIONS. In this chapter:

1-29 (1) "Alcohol educational program for minors" means an
 1-30 alcohol awareness program described by Section 106.115, Alcoholic
 1-31 Beverage Code.

1-32 (2) "Certificate of program completion" means a
 1-33 uniform, serially numbered certificate that is given by a program
 1-34 provider to a participant who successfully completes a
 1-35 court-ordered program.

1-36 (3) "Commission" means the Texas Commission of
 1-37 Licensing and Regulation.

1-38 (4) "Court-ordered program" means any of the following
 1-39 programs:

1-40 (A) the alcohol educational program for minors;

1-41 (B) the drug offense educational program;

1-42 (C) the intervention program for intoxication

1-43 offenses; or

1-44 (D) the educational program for intoxication

1-45 offenses.

1-46 (5) "Department" means the Texas Department of
 1-47 Licensing and Regulation.

1-48 (6) "Drug offense educational program" means an
 1-49 educational program described by Section 521.374(a)(1),
 1-50 Transportation Code.

1-51 (7) "Educational program for intoxication offenses"
 1-52 means an educational program described by Article 42A.403, Code of
 1-53 Criminal Procedure.

1-54 (8) "Executive director" means the executive director
 1-55 of the department.

1-56 (9) "Instructor" means a person licensed by the
 1-57 department to instruct a court-ordered program.

1-58 (10) "Intervention program for intoxication offenses"
 1-59 means an educational program described by Article 42A.404, Code of
 1-60 Criminal Procedure.

1-61 (11) "Participant" means a person who attends, takes,

2-1 or completes a court-ordered program.
2-2 (12) "Program provider" means a person licensed by the
2-3 department to offer or provide a court-ordered program.
2-4 Sec. 171.0002. APPLICABILITY. This chapter does not affect
2-5 a court's jurisdiction or authority to require court-ordered
2-6 programs. A court may specify the type and format of the
2-7 court-ordered program that must be completed by the individual.
2-8 SUBCHAPTER B. POWERS AND DUTIES OF COMMISSION, DEPARTMENT, AND
2-9 EXECUTIVE DIRECTOR
2-10 Sec. 171.0051. GENERAL POWERS AND DUTIES. The commission,
2-11 department, or executive director, as appropriate, shall
2-12 administer and enforce this chapter.
2-13 Sec. 171.0052. POWERS AND DUTIES OF DEPARTMENT. The
2-14 department shall:
2-15 (1) prescribe the application form for a license under
2-16 this chapter;
2-17 (2) evaluate the qualifications of applicants; and
2-18 (3) enforce minimum standards applicable to program
2-19 providers, instructors, and court-ordered programs.
2-20 Sec. 171.0053. RULES. (a) The commission shall adopt rules
2-21 necessary to administer and enforce this chapter. The rules
2-22 regulating court-ordered programs under this chapter must include:
2-23 (1) the criteria for program administration;
2-24 (2) the structure, length, content, and manner of
2-25 program delivery;
2-26 (3) the criteria for a participant to successfully
2-27 complete the program;
2-28 (4) maintenance of program and participant records;
2-29 (5) reports to be filed with the department; and
2-30 (6) the use of supplemental educational materials.
2-31 (b) The commission may adopt rules for court-ordered
2-32 programs related to:
2-33 (1) program security and attendance verification;
2-34 (2) participant privacy;
2-35 (3) the conduct of instructors;
2-36 (4) teaching requirements for instructors; and
2-37 (5) participant evaluations, screenings, and exit
2-38 interviews.
2-39 (c) The commission may require different information to be
2-40 reported for each type of court-ordered program.
2-41 (d) The commission may consult with other state agencies in
2-42 the development of rules under this section.
2-43 Sec. 171.0054. FEES. (a) The commission by rule shall set
2-44 fees in amounts that are reasonable and necessary to cover the costs
2-45 of administering and enforcing this chapter, which may include fees
2-46 for:
2-47 (1) the issuance or renewal of a license;
2-48 (2) instructor training courses, materials, and any
2-49 applicable examinations or end-of-course assessments;
2-50 (3) instructor continuing education courses;
2-51 (4) the issuance of a certificate of program
2-52 completion or a certificate number; and
2-53 (5) the curricula and materials used for a
2-54 court-ordered program.
2-55 (b) A fee imposed by the department under this chapter is
2-56 not refundable.
2-57 (c) The department or the department's authorized
2-58 representative may collect a fee imposed under this chapter. An
2-59 authorized representative of the department may charge a fee only
2-60 in accordance with the terms of a contract with the department.
2-61 Sec. 171.0055. FORMAT OF COURT-ORDERED PROGRAM. A provider
2-62 may offer a court-ordered program under this chapter in-person or
2-63 online.
2-64 Sec. 171.0056. CODE OF ETHICS. The commission shall adopt
2-65 and publish a code of ethics for license holders.
2-66 Sec. 171.0057. ELECTRONIC TRANSMISSION OF PROGRAM
2-67 INFORMATION. The department may develop and implement procedures
2-68 to electronically transmit information regarding court-ordered
2-69 programs to municipal and justice courts.

3-1 Sec. 171.0058. MEMORANDUM OF UNDERSTANDING. The department
3-2 may enter into a memorandum of understanding with the Department of
3-3 Public Safety, the Texas Department of Transportation, the Texas
3-4 Department of Criminal Justice, the Health and Human Services
3-5 Commission, the Department of State Health Services, the Office of
3-6 Court Administration of the Texas Judicial System, or any other
3-7 appropriate state agency regarding the development of rules,
3-8 curricula, certificates of program completion, or certificate
3-9 numbers for court-ordered programs.

3-10 SUBCHAPTER C. PROGRAM PROVIDER LICENSE REQUIREMENTS

3-11 Sec. 171.0101. PROGRAM PROVIDER LICENSE REQUIRED. A person
3-12 may not provide or offer to provide a court-ordered program unless
3-13 the person holds a program provider license issued under this
3-14 chapter.

3-15 Sec. 171.0102. ELIGIBILITY REQUIREMENTS FOR PROGRAM
3-16 PROVIDER LICENSE. (a) The commission by rule shall establish
3-17 eligibility requirements and criteria for the issuance of a program
3-18 provider license under this chapter.

3-19 (b) The commission by rule may establish eligibility
3-20 requirements based on:

3-21 (1) the type of court-ordered program the applicant
3-22 seeks to provide;

3-23 (2) whether the program is offered in-person or
3-24 online;

3-25 (3) if the program is offered in-person, the location
3-26 where the program will be provided; and

3-27 (4) the location of the applicant's headquarters and
3-28 any branch locations.

3-29 Sec. 171.0103. PROGRAM PROVIDER LICENSE ENDORSEMENTS. (a)
3-30 A license for a program provider must be endorsed with one or more
3-31 of the following classifications:

3-32 (1) the alcohol educational program for minors;

3-33 (2) the drug offense educational program;

3-34 (3) the educational program for intoxication
3-35 offenses; or

3-36 (4) the intervention program for intoxication
3-37 offenses.

3-38 (b) A license holder may not provide a court-ordered program
3-39 for which the person's license is not endorsed.

3-40 Sec. 171.0104. ISSUANCE OF PROGRAM PROVIDER LICENSE. The
3-41 department shall issue a program provider license to an applicant
3-42 who:

3-43 (1) meets the eligibility requirements and criteria
3-44 established by commission rule;

3-45 (2) submits a completed application to the department
3-46 on the form prescribed by the department; and

3-47 (3) pays the nonrefundable license application fee set
3-48 by the commission.

3-49 SUBCHAPTER D. INSTRUCTOR LICENSE REQUIREMENTS AND ISSUANCE

3-50 Sec. 171.0151. INSTRUCTOR LICENSE REQUIRED. A person may
3-51 not instruct or represent that the person is an instructor of a
3-52 court-ordered program to which this chapter applies unless the
3-53 person holds an instructor license issued under this subchapter
3-54 with the appropriate endorsement for that program.

3-55 Sec. 171.0152. ISSUANCE OF INSTRUCTOR LICENSE. (a) The
3-56 department shall issue an instructor license for a particular
3-57 court-ordered program to an applicant who:

3-58 (1) meets the eligibility requirements and criteria
3-59 established by commission rule;

3-60 (2) submits a completed application to the department
3-61 on the form prescribed by the department;

3-62 (3) successfully completes the instructor training
3-63 course and any applicable examinations or end-of-course
3-64 assessments under Section 171.0155; and

3-65 (4) pays the license application fee.

3-66 (b) An instructor shall carry the instructor license at all
3-67 times while providing instruction at a court-ordered program.

3-68 Sec. 171.0153. INSTRUCTOR LICENSE ENDORSEMENTS. (a) An
3-69 instructor license must be endorsed with one or more of the

4-1 following classifications:

- 4-2 (1) the alcohol educational program for minors;
 4-3 (2) the drug offense educational program;
 4-4 (3) the educational program for intoxication
 4-5 offenses; or
 4-6 (4) the intervention program for intoxication
 4-7 offenses.

4-8 (b) A license holder may not instruct a court-ordered
 4-9 program for which the person's license is not endorsed.

4-10 Sec. 171.0154. ELIGIBILITY REQUIREMENTS FOR INSTRUCTOR
 4-11 LICENSE. The commission by rule shall establish requirements for
 4-12 the issuance of an instructor license under this chapter. The
 4-13 commission by rule may establish eligibility criteria for
 4-14 instructors based on the type of court-ordered program for which
 4-15 the applicant seeks an endorsement, including education and
 4-16 experience requirements.

4-17 Sec. 171.0155. INSTRUCTOR TRAINING COURSE; EXAMINATION OR
 4-18 ASSESSMENT. (a) The commission by rule shall establish the
 4-19 requirements for the instructor training course and any applicable
 4-20 examinations or end-of-course assessments.

4-21 (b) The department or the department's authorized
 4-22 representative shall provide the training course and administer
 4-23 examinations for applicants for an instructor license.

4-24 (c) The applicant must pay all fees associated with the
 4-25 instructor training course and any applicable examinations or
 4-26 end-of-course assessments.

4-27 SUBCHAPTER E. RESTRICTIONS ON LICENSE

4-28 Sec. 171.0201. LICENSE NOT TRANSFERABLE. A license issued
 4-29 under this chapter is not transferable or assignable.

4-30 Sec. 171.0202. PROGRAM PROVIDER CHANGE OF OWNERSHIP. Not
 4-31 less than 30 days before the date of a change in ownership of a
 4-32 program provider, the proposed new owner must apply for a new
 4-33 program provider license with an endorsement for each type of
 4-34 court-ordered program to be offered by the new owner.

4-35 SUBCHAPTER F. LICENSE TERM AND RENEWAL

4-36 Sec. 171.0251. LICENSE TERM. A license issued under this
 4-37 chapter is valid for one or two years from the date of issuance as
 4-38 prescribed by commission rule.

4-39 Sec. 171.0252. LICENSE RENEWAL. The commission by rule
 4-40 shall establish the requirements for renewing a license issued
 4-41 under this chapter, including the payment of applicable fees.

4-42 Sec. 171.0253. CONTINUING EDUCATION FOR RENEWAL OF
 4-43 INSTRUCTOR LICENSE. The commission by rule shall establish the
 4-44 minimum number of hours of continuing education that a license
 4-45 holder must complete to renew an instructor license issued under
 4-46 Subchapter D. The commission may require a different number of
 4-47 hours of continuing education for each type of court-ordered
 4-48 program for which the license holder holds an endorsement.

4-49 SUBCHAPTER G. REQUIREMENTS FOR COURT-ORDERED PROGRAMS

4-50 Sec. 171.0301. GENERAL REQUIREMENTS FOR COURT-ORDERED
 4-51 PROGRAMS. (a) The department or the department's authorized
 4-52 representative shall develop the curriculum and educational
 4-53 materials to be used for each court-ordered program.

4-54 (b) A court-ordered program must be:

4-55 (1) provided by a program provider licensed for the
 4-56 type of program;

4-57 (2) taught by an instructor with the appropriate
 4-58 endorsement for the program using curriculum approved by the
 4-59 department; and

4-60 (3) delivered in the program format or at the location
 4-61 approved by the department.

4-62 (c) A program provider may only employ or contract with an
 4-63 instructor who holds a license with an endorsement for the program
 4-64 being provided.

4-65 Sec. 171.0302. DISCRIMINATION PROHIBITED. A program
 4-66 provider or instructor may not discriminate against participants
 4-67 based on sex, race, religion, age, national or ethnic origin, or
 4-68 disability.

4-69 Sec. 171.0303. CERTIFICATE OF PROGRAM COMPLETION. (a) The

5-1 department shall issue or provide for the issuance of a certificate
 5-2 of program completion or certificate number showing completion of a
 5-3 court-ordered program.

5-4 (b) The commission by rule shall provide for the form,
 5-5 design, content, and distribution of certificates of program
 5-6 completion and certificate numbers.

5-7 (c) The commission by rule shall adopt a system for program
 5-8 providers to provide for the appropriate care, custody, and control
 5-9 of certificates of program completion and certificate numbers.

5-10 (d) The commission by rule shall establish requirements
 5-11 regarding the submission of a copy of a certificate of program
 5-12 completion or certificate number to the appropriate court, state
 5-13 agency, or community supervision and corrections department.

5-14 (e) A program provider shall submit to the department
 5-15 information regarding programs, instructors, and participants.
 5-16 The commission may require different information to be reported for
 5-17 each type of court-ordered program.

5-18 (f) A program provider shall submit to the department
 5-19 required information relating to certificates of program
 5-20 completion issued by the program provider in a manner prescribed by
 5-21 the department.

5-22 Sec. 171.0304. DISPLAY OF LICENSE AND DEPARTMENT CONTACT
 5-23 INFORMATION. The commission by rule shall establish:

5-24 (1) requirements for providers and instructors
 5-25 regarding the displaying or posting of a license or providing
 5-26 notice of a license number to a participant of a court-ordered
 5-27 program; and

5-28 (2) notification methods for providers and
 5-29 instructors to provide a participant with the name of the
 5-30 department, mailing address, telephone number, and Internet
 5-31 website address for the purpose of submitting a complaint regarding
 5-32 the court-ordered program.

5-33 Sec. 171.0305. ADVERTISEMENTS. The commission by rule may
 5-34 establish requirements regarding advertisements for providers,
 5-35 instructors, and court-ordered programs.

5-36 Sec. 171.0306. INFORMATION REQUIRED. A program provider
 5-37 shall maintain and make available to participants information
 5-38 regarding course fees, schedules, methods of course delivery, and
 5-39 locations, as applicable, for all court-ordered programs provided
 5-40 by the program provider.

5-41 SUBCHAPTER H. PROHIBITED PRACTICES AND ENFORCEMENT

5-42 Sec. 171.0351. PROHIBITED PRACTICES BY ALL LICENSE HOLDERS.

5-43 A license holder may not:

5-44 (1) use advertising that is false, misleading, or
 5-45 deceptive; or

5-46 (2) issue, sell, trade, or transfer a certificate of
 5-47 program completion or a certificate number to a person who has not
 5-48 successfully completed the applicable court-ordered program or who
 5-49 is not otherwise authorized to possess the certificate or number.

5-50 Sec. 171.0352. GROUNDS FOR DISCIPLINARY ACTIONS. The
 5-51 commission or executive director may deny an application for an
 5-52 initial or renewal license, revoke or suspend a license, place on
 5-53 probation a person whose license has been suspended, or reprimand a
 5-54 license holder who:

5-55 (1) violates this chapter, a rule adopted under this
 5-56 chapter, or an order of the commission or executive director;

5-57 (2) permits or engages in misrepresentation, fraud, or
 5-58 deceit regarding a court-ordered program provided or instructed by
 5-59 the license holder;

5-60 (3) engages in conduct that harms, endangers, or is
 5-61 likely to harm or endanger the health, welfare, or safety of a
 5-62 participant or the public as defined by commission rule;

5-63 (4) violates the code of ethics adopted and published
 5-64 by the commission; or

5-65 (5) violates a standard of practice or conduct as
 5-66 adopted by commission rule.

5-67 Sec. 171.0353. DISCIPLINARY ACTION; ADMINISTRATIVE
 5-68 PENALTY. If a person violates this chapter or an order issued or a
 5-69 rule adopted under this chapter, the person is subject to any action

6-1 or penalty under Subchapter F or G, Chapter 51, Occupations Code.

6-2 Sec. 171.0354. AUDITS OF PROVIDERS AND PROGRAMS. (a) The
6-3 department may conduct audits of the program providers and the
6-4 court-ordered programs to verify compliance with this chapter.
6-5 These audits may be conducted onsite, remotely, or through other
6-6 means, and may include audits of records and courses.

6-7 (b) A program provider, instructor, or any person
6-8 associated with a court-ordered program shall:

6-9 (1) cooperate with the department during an audit
6-10 under this section;

6-11 (2) provide or make available to the department any
6-12 documents or records related to the audit, unless otherwise
6-13 prohibited by law; and

6-14 (3) provide the department with access to courses and
6-15 facilities related to the audit.

6-16 Sec. 171.0355. INVESTIGATIONS. (a) A program provider,
6-17 instructor, or any person associated with a court-ordered program
6-18 shall:

6-19 (1) cooperate with the department during an
6-20 investigation of a complaint under this chapter; and

6-21 (2) provide or make available to the department on
6-22 request any documents or records related to the investigation,
6-23 including all instructor records, unless otherwise prohibited by
6-24 law.

6-25 (b) The department may contract with the Department of
6-26 Public Safety to provide investigative assistance in the
6-27 enforcement of this chapter.

6-28 Sec. 171.0356. UNLAWFUL TRANSFER OF CERTIFICATE OF PROGRAM
6-29 COMPLETION OR CERTIFICATE NUMBER; OFFENSE. (a) A person commits an
6-30 offense if the person knowingly sells, trades, issues, or otherwise
6-31 transfers, or possesses with intent to sell, trade, issue, or
6-32 otherwise transfer, a certificate of program completion or a
6-33 certificate number to a person not authorized to possess the
6-34 certificate or number.

6-35 (b) An offense under this section is a felony of the third
6-36 degree.

6-37 Sec. 171.0357. UNLAWFUL POSSESSION OF CERTIFICATE OF
6-38 PROGRAM COMPLETION OR CERTIFICATE NUMBER; OFFENSE. (a) A person
6-39 commits an offense if the person knowingly possesses a certificate
6-40 of program completion or a certificate number that the person is not
6-41 authorized to possess under this chapter.

6-42 (b) An offense under this section is a felony of the third
6-43 degree.

6-44 SECTION 2. The heading to Section 106.115, Alcoholic
6-45 Beverage Code, is amended to read as follows:

6-46 Sec. 106.115. ATTENDANCE AT ALCOHOL AWARENESS PROGRAM
6-47 [COURSE]; LICENSE SUSPENSION.

6-48 SECTION 3. Section 106.115, Alcoholic Beverage Code, is
6-49 amended by amending Subsections (a) and (b-2) and adding
6-50 Subsections (a-1) and (a-2) to read as follows:

6-51 (a) On the placement of a minor on deferred disposition for
6-52 an offense under Section 49.02, Penal Code, or under Section
6-53 106.02, 106.025, 106.04, 106.041, 106.05, or 106.07, the court
6-54 shall require the defendant to successfully complete one of the
6-55 following programs:

6-56 (1) [attend] an alcohol awareness program [approved by
6-57 the Texas Department of Licensing and Regulation] under this
6-58 section that is regulated under Chapter 171, Government Code;

6-59 (2) [7] a drug education program under [approved by
6-60 the Department of State Health Services in accordance with] Section
6-61 521.374(a)(1) [521.374], Transportation Code, that is regulated
6-62 under Chapter 171, Government Code; or

6-63 (3) a drug and alcohol driving awareness program under
6-64 Section 1001.103, Education Code [approved by the Texas Education
6-65 Agency].

6-66 (a-1) On conviction of a minor of an offense under Section
6-67 49.02, Penal Code, or Section 106.02, 106.025, 106.04, 106.041,
6-68 106.05, or 106.07 [one or more of those sections], the court, in
6-69 addition to assessing a fine as provided by those sections, shall

7-1 require a defendant who has not been previously convicted of an
 7-2 offense under one of those sections to successfully complete
 7-3 ~~[attend]~~ an alcohol awareness program, a drug education program, or
 7-4 a drug and alcohol driving awareness program described by
 7-5 Subsection (a) ~~[this subsection]~~. If the defendant has been
 7-6 previously convicted once or more of an offense under one or more of
 7-7 those sections, the court may require the defendant to successfully
 7-8 complete ~~[attend]~~ an alcohol awareness program, a drug education
 7-9 program, or a drug and alcohol driving awareness program described
 7-10 by Subsection (a) ~~[this subsection]~~.

7-11 (a-2) If the defendant is younger than 18 years of age, the
 7-12 court may require the parent or guardian of the defendant to
 7-13 successfully complete ~~[attend]~~ the program described by Subsection
 7-14 (a) with the defendant. ~~[The Texas Department of Licensing and~~
 7-15 ~~Regulation or Texas Commission of Licensing and Regulation, as~~
 7-16 ~~appropriate:~~

7-17 ~~[(1) is responsible for the administration of the~~
 7-18 ~~certification of approved alcohol awareness programs;~~

7-19 ~~[(2) may charge a nonrefundable application fee for:~~

7-20 ~~[(A) initial certification of the approval; or~~

7-21 ~~[(B) renewal of the certification;~~

7-22 ~~[(3) shall adopt rules regarding alcohol awareness~~
 7-23 ~~programs approved under this section; and~~

7-24 ~~[(4) shall monitor, coordinate, and provide training~~
 7-25 ~~to a person who provides an alcohol awareness program.]~~

7-26 (b-2) For purposes of Subsection (b-1), if the defendant is
 7-27 enrolled in an institution of higher education located in a county
 7-28 in which access to an alcohol awareness program is readily
 7-29 available, the court may consider the defendant to be a resident of
 7-30 that county. If the defendant is not enrolled in such an
 7-31 institution of higher education or if the court does not consider
 7-32 the defendant to be a resident of the county in which the
 7-33 institution is located, the defendant's residence is the residence
 7-34 listed on the defendant's driver's license or personal
 7-35 identification certificate issued by the Department of Public
 7-36 Safety. If the defendant does not have a driver's license or
 7-37 personal identification certificate issued by the Department of
 7-38 Public Safety, the defendant's residence is the residence on the
 7-39 defendant's voter registration certificate. If the defendant is
 7-40 not registered to vote, the defendant's residence is the residence
 7-41 on file with the public school district on which the defendant's
 7-42 enrollment is based. If the defendant is not enrolled in public
 7-43 school, the defendant's residence is determined ~~[as provided]~~
 7-44 by the court [commission rule].

7-45 SECTION 4. The heading to Article 42A.403, Code of Criminal
 7-46 Procedure, is amended to read as follows:

7-47 Art. 42A.403. EDUCATIONAL PROGRAM FOR CERTAIN INTOXICATION
 7-48 OFFENSES ~~[OFFENDERS]~~; WAIVER OR EXTENSION OF TIME.

7-49 SECTION 5. Articles 42A.403(a) and (d), Code of Criminal
 7-50 Procedure, are amended to read as follows:

7-51 (a) A judge who places on community supervision a defendant
 7-52 convicted of an offense under Sections 49.04-49.08, Penal Code,
 7-53 shall require as a condition of community supervision that the
 7-54 defendant ~~[attend and]~~ successfully complete, before the 181st day
 7-55 after the date community supervision is granted, an educational
 7-56 program designed to rehabilitate persons who have driven while
 7-57 intoxicated that is regulated ~~[jointly approved]~~ by ~~+~~

7-58 ~~[(1)]~~ the Texas Department of Licensing and Regulation
 7-59 under Chapter 171, Government Code ~~+~~

7-60 ~~[(2) the Department of Public Safety;~~

7-61 ~~[(3) the traffic safety section of the traffic~~
 7-62 ~~operations division of the Texas Department of Transportation; and~~

7-63 ~~[(4) the community justice assistance division of the~~
 7-64 ~~Texas Department of Criminal Justice].~~

7-65 (d) In determining good cause, the judge may consider but is
 7-66 not limited to:

7-67 (1) the defendant's school and work schedule;

7-68 (2) the defendant's health;

7-69 (3) the distance that the defendant must travel to

8-1 attend an in-person educational program; ~~and~~
 8-2 (4) the fact that the defendant resides out of state,
 8-3 does not have a valid driver's license, or does not have access to
 8-4 transportation; and
 8-5 (5) whether the defendant has access to reliable
 8-6 Internet service sufficient to successfully complete an
 8-7 educational program offered online.

8-8 SECTION 6. The heading to Article 42A.404, Code of Criminal
 8-9 Procedure, is amended to read as follows:

8-10 Art. 42A.404. EDUCATIONAL PROGRAM FOR CERTAIN REPEAT
 8-11 INTOXICATION OFFENSES ~~[OFFENDERS]~~; WAIVER.

8-12 SECTION 7. Articles 42A.404(a) and (b), Code of Criminal
 8-13 Procedure, are amended to read as follows:

8-14 (a) The judge shall require a defendant who is punished
 8-15 under Section 49.09, Penal Code, to attend and successfully
 8-16 complete as a condition of community supervision an educational
 8-17 program for repeat offenders that is regulated ~~[approved]~~ by the
 8-18 Texas Department of Licensing and Regulation under Chapter 171,
 8-19 Government Code.

8-20 (b) The judge may waive the educational program requirement
 8-21 if the defendant by a motion in writing shows good cause. In
 8-22 determining good cause, the judge may consider:

- 8-23 (1) the defendant's school and work schedule;
- 8-24 (2) the defendant's health;
- 8-25 (3) the distance that the defendant must travel to

8-26 attend an in-person educational program; ~~and~~
 8-27 (4) whether the defendant resides out of state or does
 8-28 not have access to transportation; and

8-29 (5) whether the defendant has access to reliable
 8-30 Internet service sufficient to successfully complete an
 8-31 educational program offered online.

8-32 SECTION 8. Article 42A.406(a), Code of Criminal Procedure,
 8-33 is amended to read as follows:

8-34 (a) If a defendant is required as a condition of community
 8-35 supervision to successfully complete ~~[attend]~~ an educational
 8-36 program under Article 42A.403 or 42A.404, or if the court waives the
 8-37 educational program requirement under Article 42A.403 or the
 8-38 defendant successfully completes equivalent education under
 8-39 Article 42A.4045, the court clerk shall immediately report that
 8-40 fact to the Department of Public Safety, on a form prescribed by the
 8-41 department, for inclusion in the defendant's driving record. If
 8-42 the court grants an extension of time in which the defendant may
 8-43 complete the educational program under Article 42A.403, the court
 8-44 clerk shall immediately report that fact to the Department of
 8-45 Public Safety on a form prescribed by the department. The clerk's
 8-46 report under this subsection must include the beginning date of the
 8-47 defendant's community supervision.

8-48 SECTION 9. Articles 42A.407(b) and (c), Code of Criminal
 8-49 Procedure, are amended to read as follows:

8-50 (b) Notwithstanding Sections 521.344(d)-(i),
 8-51 Transportation Code, if under Article 42A.404 the judge requires a
 8-52 defendant punished under Section 49.09, Penal Code, to successfully
 8-53 complete ~~[attend]~~ an educational program as a condition of
 8-54 community supervision, or waives the required completion of
 8-55 [attendance for] the program, and the defendant has previously been
 8-56 required to successfully complete ~~[attend]~~ such an educational
 8-57 program, or the required completion of ~~[attendance at]~~ the program
 8-58 had been waived, the judge shall order the suspension of the
 8-59 defendant's driver's license for a period determined by the judge
 8-60 according to the following schedule:

8-61 (1) not less than 90 days or more than one year, if the
 8-62 defendant is convicted under Sections 49.04-49.08, Penal Code;

8-63 (2) not less than 180 days or more than two years, if
 8-64 the defendant is punished under Section 49.09(a) or (b), Penal
 8-65 Code; or

8-66 (3) not less than one year or more than two years, if
 8-67 the defendant is convicted of a second or subsequent offense under
 8-68 Sections 49.04-49.08, Penal Code, committed within five years of
 8-69 the date on which the most recent preceding offense was committed.

9-1 (c) If the Department of Public Safety receives notice that
9-2 a defendant has been required to successfully complete ~~[attend]~~ a
9-3 subsequent educational program under Article 42A.403 or 42A.404,
9-4 although the previously required completion ~~[attendance]~~ had been
9-5 waived, but the judge has not ordered a period of suspension, the
9-6 department shall:

- 9-7 (1) suspend the defendant's driver's license; or
- 9-8 (2) issue an order prohibiting the defendant from
9-9 obtaining a license for a period of one year.

9-10 SECTION 10. Article 42A.514(a), Code of Criminal Procedure,
9-11 is amended to read as follows:

9-12 (a) If a judge grants community supervision to a defendant
9-13 younger than 18 years of age convicted of an alcohol-related
9-14 offense under Section 106.02, 106.025, 106.04, 106.041, 106.05, or
9-15 106.07, Alcoholic Beverage Code, or Section 49.02, Penal Code, or
9-16 an offense involving possession of a controlled substance or
9-17 marihuana under Section 481.115, 481.1151, 481.116, 481.1161,
9-18 481.117, 481.118, or 481.121, Health and Safety Code, the judge may
9-19 require the defendant as a condition of community supervision to
9-20 successfully complete ~~[attend]~~, as appropriate:

9-21 (1) an alcohol awareness program ~~[approved]~~ under
9-22 Section 106.115, Alcoholic Beverage Code, that is regulated by the
9-23 Texas Department of Licensing and Regulation under Chapter 171,
9-24 Government Code; or

9-25 (2) a drug education program that is designed to
9-26 educate persons on the dangers of drug abuse ~~[and is approved by the~~
9-27 ~~Department of State Health Services]~~ in accordance with Section
9-28 521.374(a)(1) ~~[521.374]~~, Transportation Code, and that is
9-29 regulated by the Texas Department of Licensing and Regulation under
9-30 Chapter 171, Government Code.

9-31 SECTION 11. Articles 45.051(b) and (g), Code of Criminal
9-32 Procedure, are amended to read as follows:

9-33 (b) During the deferral period, the judge may require the
9-34 defendant to:

9-35 (1) post a bond in the amount of the fine assessed as
9-36 punishment for the offense to secure payment of the fine;

9-37 (2) pay restitution to the victim of the offense in an
9-38 amount not to exceed the fine assessed as punishment for the
9-39 offense;

9-40 (3) submit to professional counseling;

9-41 (4) submit to diagnostic testing for alcohol or a
9-42 controlled substance or drug;

9-43 (5) submit to a psychosocial assessment;

9-44 (6) successfully complete ~~[participate in]~~ an alcohol
9-45 or drug abuse treatment or education program, such as:

9-46 (A) a drug education program that is designed to
9-47 educate persons on the dangers of drug abuse ~~[and is approved by the~~
9-48 ~~Department of State Health Services]~~ in accordance with Section
9-49 521.374(a)(1) ~~[521.374]~~, Transportation Code, and that is
9-50 regulated by the Texas Department of Licensing and Regulation under
9-51 Chapter 171, Government Code; or

9-52 (B) an alcohol awareness program described by
9-53 Section 106.115, Alcoholic Beverage Code, that is regulated by the
9-54 Texas Department of Licensing and Regulation under Chapter 171,
9-55 Government Code;

9-56 (7) pay as reimbursement fees the costs of any
9-57 diagnostic testing, psychosocial assessment, or participation in a
9-58 treatment or education program either directly or through the court
9-59 as court costs;

9-60 (8) complete a driving safety course approved under
9-61 Chapter 1001, Education Code, or another course as directed by the
9-62 judge;

9-63 (9) present to the court satisfactory evidence that
9-64 the defendant has complied with each requirement imposed by the
9-65 judge under this article; and

9-66 (10) comply with any other reasonable condition.

9-67 (g) If a judge requires a defendant under Subsection (b) to
9-68 successfully complete ~~[attend]~~ an alcohol awareness program or drug
9-69 education program as described by Subdivision (6) of that

10-1 subsection, unless the judge determines that the defendant is
 10-2 indigent and unable to pay the cost, the judge shall require the
 10-3 defendant to pay a reimbursement fee for the cost of attending the
 10-4 program. The judge may allow the defendant to pay the fee in
 10-5 installments during the deferral period.

10-6 SECTION 12. Sections 53.03(h-1) and (h-2), Family Code, are
 10-7 amended to read as follows:

10-8 (h-1) If the child is alleged to have engaged in delinquent
 10-9 conduct or conduct indicating a need for supervision that violates
 10-10 Section 481.115, 481.1151, 481.116, 481.1161, 481.117, 481.118, or
 10-11 481.121, Health and Safety Code, deferred prosecution under this
 10-12 section may include a condition that the child successfully
 10-13 complete ~~[attend]~~ a drug education program that is designed to
 10-14 educate persons on the dangers of drug abuse ~~[and is approved by the~~
 10-15 ~~Department of State Health Services]~~ in accordance with Section
 10-16 521.374(a)(1) ~~[521.374]~~, Transportation Code, and that is
 10-17 regulated by the Texas Department of Licensing and Regulation under
 10-18 Chapter 171, Government Code.

10-19 (h-2) If the child is alleged to have engaged in delinquent
 10-20 conduct or conduct indicating a need for supervision that violates
 10-21 Section 106.02, 106.025, 106.04, 106.041, 106.05, or 106.07,
 10-22 Alcoholic Beverage Code, or Section 49.02, Penal Code, deferred
 10-23 prosecution under this section may include a condition that the
 10-24 child successfully complete ~~[attend]~~ an alcohol awareness program
 10-25 described by Section 106.115, Alcoholic Beverage Code, that is
 10-26 regulated by the Texas Department of Licensing and Regulation under
 10-27 Chapter 171, Government Code.

10-28 SECTION 13. Sections 54.047(a), (b), and (f), Family Code,
 10-29 are amended to read as follows:

10-30 (a) If the court or jury finds at an adjudication hearing
 10-31 for a child that the child engaged in delinquent conduct or conduct
 10-32 indicating a need for supervision that constitutes a violation of
 10-33 Section 481.115, 481.1151, 481.116, 481.1161, 481.117, 481.118, or
 10-34 481.121, Health and Safety Code, the court may order that the child
 10-35 successfully complete ~~[attend]~~ a drug education program that is
 10-36 designed to educate persons on the dangers of drug abuse ~~[and is~~
 10-37 ~~approved by the Department of State Health Services]~~ in accordance
 10-38 with Section 521.374(a)(1) ~~[521.374]~~, Transportation Code, and
 10-39 that is regulated by the Texas Department of Licensing and
 10-40 Regulation under Chapter 171, Government Code.

10-41 (b) If the court or jury finds at an adjudication hearing
 10-42 for a child that the child engaged in delinquent conduct or conduct
 10-43 indicating a need for supervision that violates the alcohol-related
 10-44 offenses in Section 106.02, 106.025, 106.04, 106.041, 106.05, or
 10-45 106.07, Alcoholic Beverage Code, or Section 49.02, Penal Code, the
 10-46 court may order that the child successfully complete ~~[attend]~~
 10-47 an alcohol awareness program described by Section 106.115, Alcoholic
 10-48 Beverage Code, that is regulated by the Texas Department of
 10-49 Licensing and Regulation under Chapter 171, Government Code.

10-50 (f) If the court orders a child under Subsection (a) or (b)
 10-51 to successfully complete ~~[attend]~~ a drug education program or
 10-52 alcohol awareness program, unless the court determines that the
 10-53 parent or guardian of the child is indigent and unable to pay the
 10-54 cost, the court shall require the child's parent or a guardian of
 10-55 the child to pay the cost of attending the program. The court shall
 10-56 allow the child's parent or guardian to pay the cost of ~~[attending]~~
 10-57 the program in installments.

10-58 SECTION 14. Section 461A.052(a), Health and Safety Code, is
 10-59 amended to read as follows:

10-60 (a) The department shall:

10-61 (1) provide for research and study of the problems of
 10-62 chemical dependency in this state and seek to focus public
 10-63 attention on those problems through public information and
 10-64 education programs;

10-65 (2) plan, develop, coordinate, evaluate, and
 10-66 implement constructive methods and programs for the prevention,
 10-67 intervention, treatment, and rehabilitation of chemical dependency
 10-68 in cooperation with federal and state agencies, local governments,
 10-69 organizations, and persons, and provide technical assistance,

11-1 funds, and consultation services for statewide and community-based
 11-2 services;

11-3 (3) cooperate with and enlist the assistance of:
 11-4 (A) other state, federal, and local agencies;
 11-5 (B) hospitals and clinics;
 11-6 (C) public health, welfare, and criminal justice
 11-7 system authorities;
 11-8 (D) educational and medical agencies and
 11-9 organizations; and
 11-10 (E) other related public and private groups and
 11-11 persons;

11-12 (4) expand chemical dependency services for children
 11-13 when funds are available because of the long-term benefits of those
 11-14 services to this state and its citizens;

11-15 (5) sponsor, promote, and conduct educational
 11-16 programs on the prevention and treatment of chemical dependency,
 11-17 and maintain a public information clearinghouse to purchase and
 11-18 provide books, literature, audiovisuals, and other educational
 11-19 material for the programs;

11-20 (6) sponsor, promote, and conduct training programs
 11-21 for persons delivering prevention, intervention, treatment, and
 11-22 rehabilitation services and for persons in the criminal justice
 11-23 system or otherwise in a position to identify the service needs of
 11-24 persons with a chemical dependency and their families;

11-25 (7) require programs rendering services to persons
 11-26 with a chemical dependency to safeguard those persons' legal rights
 11-27 of citizenship and maintain the confidentiality of client records
 11-28 as required by state and federal law;

11-29 (8) maximize the use of available funds for direct
 11-30 services rather than administrative services;

11-31 (9) consistently monitor the expenditure of funds and
 11-32 the provision of services by all grant and contract recipients to
 11-33 assure that the services are effective and properly staffed and
 11-34 meet the standards adopted under this chapter;

11-35 (10) make the monitoring reports prepared under
 11-36 Subdivision (9) a matter of public record;

11-37 (11) license treatment facilities under Chapter 464;

11-38 (12) use funds appropriated to the department for
 11-39 purposes of providing chemical dependency services and related
 11-40 programs to carry out those purposes and maximize the overall state
 11-41 allotment of federal funds;

11-42 (13) plan, develop, coordinate, evaluate, and
 11-43 implement constructive methods and programs to provide healthy
 11-44 alternatives for youth at risk of selling controlled substances;
 11-45 and

11-46 (14) submit to the federal government reports and
 11-47 strategies necessary to comply with Section 1926 of the federal
 11-48 Alcohol, Drug Abuse, and Mental Health Administration
 11-49 Reorganization Act, Pub. L. No. 102-321 (42 U.S.C. Section
 11-50 300x-26), and coordinate the reports and strategies with
 11-51 appropriate state governmental entities ~~[, and~~

11-52 ~~[(15) regulate, coordinate, and provide training for~~
 11-53 ~~alcohol awareness courses required under Section 106.115,~~
 11-54 ~~Alcoholic Beverage Code, and may charge a fee for an activity~~
 11-55 ~~performed by the department under this subdivision].~~

11-56 SECTION 15. Section 521.374(a), Transportation Code, as
 11-57 amended by Chapters 838 (S.B. 202), 851 (S.B. 1070), and 1004 (H.B.
 11-58 642), Acts of the 84th Legislature, Regular Session, 2015, is
 11-59 reenacted and amended to read as follows:

11-60 (a) A person whose license is suspended under Section
 11-61 521.372 may:

11-62 (1) successfully complete ~~attend~~ an in-person or
 11-63 online educational program, approved by the Texas Department of
 11-64 Licensing and Regulation ~~[Department of State Health Services]~~
 11-65 under Chapter 171, Government Code ~~[rules adopted by the Texas~~
 11-66 ~~Commission of Licensing and Regulation executive commissioner of~~
 11-67 ~~the Health and Human Services Commission and the department]~~, that
 11-68 is designed to educate persons on the dangers of drug abuse; or

11-69 (2) successfully complete education on the dangers of

12-1 drug abuse approved by the Department of State Health Services as
 12-2 equivalent to the educational program described by Subdivision (1),
 12-3 while the person is a resident of a facility for the treatment of
 12-4 drug abuse or chemical dependency, including:

12-5 (A) a substance abuse treatment facility or
 12-6 substance abuse felony punishment facility operated by the Texas
 12-7 Department of Criminal Justice under Section 493.009, Government
 12-8 Code;

12-9 (B) a community corrections facility, as defined
 12-10 by Section 509.001, Government Code; or

12-11 (C) a chemical dependency treatment facility
 12-12 licensed under Chapter 464, Health and Safety Code.

12-13 SECTION 16. Section 521.374(b), Transportation Code, is
 12-14 amended to read as follows:

12-15 (b) The period of suspension or prohibition under Section
 12-16 521.372(c) continues for an indefinite period until the individual
 12-17 successfully completes the in-person or online educational program
 12-18 under Subsection (a)(1) or is released from the residential
 12-19 treatment facility at which the individual successfully completed
 12-20 equivalent education under Subsection (a)(2), as applicable.

12-21 SECTION 17. Section 521.375, Transportation Code, as
 12-22 amended by Chapters 838 (S.B. 202) and 851 (S.B. 1070), Acts of the
 12-23 84th Legislature, Regular Session, 2015, is reenacted and amended
 12-24 to read as follows:

12-25 Sec. 521.375. JOINT ADOPTION OF RULES. (a) The Texas
 12-26 Commission of Licensing and Regulation and the department shall
 12-27 jointly adopt rules for the qualification and approval of providers
 12-28 of in-person and online educational programs under Section
 12-29 521.374(a)(1) [521.374].

12-30 (a-1) The executive commissioner of the Health and Human
 12-31 Services Commission and the department shall jointly adopt rules
 12-32 for the qualification and approval of[+]

12-33 [~~(1) providers of educational programs under Section~~
 12-34 ~~521.374(a)(1); and~~

12-35 [~~(2)]~~ equivalent education provided in a residential
 12-36 treatment facility described by Section 521.374(a)(2).

12-37 (b) The Texas Department of Licensing and Regulation shall
 12-38 publish the jointly adopted rules under Subsection (a).

12-39 (c) The Department of State Health Services shall publish
 12-40 the jointly adopted rules under Subsection (a-1).

12-41 SECTION 18. Section 521.376, Transportation Code, as
 12-42 amended by Chapters 838 (S.B. 202) and 851 (S.B. 1070), Acts of the
 12-43 84th Legislature, Regular Session, 2015, is reenacted and amended
 12-44 to read as follows:

12-45 Sec. 521.376. DUTIES OF TEXAS DEPARTMENT OF LICENSING AND
 12-46 REGULATION AND DEPARTMENT OF STATE HEALTH SERVICES; APPLICATION AND
 12-47 RENEWAL FEES. (a) The Texas Department of Licensing and
 12-48 Regulation:

12-49 (1) shall monitor, coordinate, and provide training to
 12-50 persons who provide in-person and online educational programs under
 12-51 Section 521.374(a)(1) [521.374];

12-52 (2) shall administer the approval of those in-person
 12-53 and online educational programs; and

12-54 (3) may charge a nonrefundable application fee to the
 12-55 provider of an in-person or online educational program under
 12-56 Section 521.374(a)(1) for:

12-57 (A) initial certification of approval; and

12-58 (B) renewal of the certification.

12-59 (b) The Department of State Health Services:

12-60 (1) shall monitor, coordinate, and provide training
 12-61 to[+]

12-62 [~~(A) persons who provide educational programs~~
 12-63 ~~under Section 521.374(a)(1); and~~

12-64 [~~(B)]~~ residential treatment facilities described
 12-65 by Section 521.374(a)(2) providing equivalent education; and

12-66 (2) shall administer the approval of the [~~educational~~
 12-67 ~~programs and the]~~ equivalent education provided in a residential
 12-68 treatment facility[+ and

12-69 [~~(3) may charge a nonrefundable application fee to the~~

13-1 ~~provider of an educational program under Section 521.374(a)(1) for:~~
13-2 ~~[(A) initial certification of approval, and~~
13-3 ~~[(B) renewal of the certification].~~

13-4 SECTION 19. The following provisions are repealed:

- 13-5 (1) Section 106.115(b), Alcoholic Beverage Code;
- 13-6 (2) Article 42A.405, Code of Criminal Procedure; and
- 13-7 (3) Section 54.047(e), Family Code.

13-8 SECTION 20. (a) For purposes of this section, any reference
13-9 in law to a license to provide or instruct a court-ordered program
13-10 includes a certification under the law as it existed immediately
13-11 before the effective date of this Act.

13-12 (b) On the effective date of this Act, a program provider
13-13 license or an instructor license issued before the effective date
13-14 of this Act shall continue to be valid until the license expires.

13-15 (c) An application for an initial program provider or
13-16 instructor license or for renewal of a program provider or
13-17 instructor license submitted to the Texas Department of Licensing
13-18 and Regulation on or after the effective date of this Act is
13-19 governed by Chapter 171, Government Code, as added by this Act. An
13-20 application submitted before that date is governed by the laws and
13-21 rules in effect when the application was submitted, and the former
13-22 laws and rules are continued in effect for that purpose.

13-23 (d) A person who holds an instructor license prior to the
13-24 effective date of this Act is eligible to renew that license on or
13-25 after the effective date of this Act, if:

- 13-26 (1) the license is current or is within the late
13-27 renewal period; and
- 13-28 (2) the person's instructor eligibility requirements
13-29 remain in effect at the time of renewal.

13-30 (e) On or after the effective date of this Act, if a person's
13-31 instructor license expires beyond the late renewal period or if the
13-32 license is revoked, the person must apply for a new license and meet
13-33 the instructor eligibility and other license requirements in effect
13-34 at the time of the new application.

13-35 SECTION 21. (a) As soon as practicable after the effective
13-36 date of this Act, the Texas Commission of Licensing and Regulation,
13-37 the Texas Department of Licensing and Regulation, and the executive
13-38 director of the Texas Department of Licensing and Regulation, as
13-39 appropriate, shall adopt rules and forms necessary to implement
13-40 Chapter 171, Government Code, as added by this Act.

13-41 (b) All rules, fees, policies, procedures, decisions, and
13-42 forms that relate to a program or activity regulated under this Act
13-43 and that are in effect on the effective date of this Act remain in
13-44 effect until changed by the Texas Commission of Licensing and
13-45 Regulation, the Texas Department of Licensing and Regulation, or
13-46 the executive director of the Texas Department of Licensing and
13-47 Regulation, as appropriate.

13-48 SECTION 22. This Act takes effect September 1, 2021.

13-49

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