

BILL ANALYSIS

H.B. 1394
By: Moody
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There are multiple types of drug court programs in Texas for adult and juvenile populations, and they are a proven tool for improving public health and public safety. The drug court model offers local governments a cost-effective way to increase the percentage of addicted offenders who achieve sustained recovery, thereby improving public safety and reducing costs associated with re-arrest and additional incarceration. Increasing eligibility for drug courts would help to further reduce the costs of re-arrest and incarceration, while also giving people the help they need to break the cycle of addiction and recidivism. A study funded by the Department of Justice from the National Institute of Justice, "Recidivism Rates for Drug Court Graduates: Nationally Based Estimates," found that nationally, 84 percent of drug court graduates have not been re-arrested and charged with a serious crime in the first year after graduation, and 72.5 percent have no arrests at the two-year mark. A study from the Urban Institute, "To Treat or Not to Treat: Evidence on the Prospects of Expanding Treatment to Drug-Involved Offenders," finds that for every \$1 invested in drug court, taxpayers save as much as \$3.36 in avoided criminal justice costs. H.B. 1394 seeks to widen eligibility for such programs by giving prosecutors the discretion to recommend a defendant to a drug court program who is not already covered under the statute. Prosecuting attorneys are in the best position to make this decision because they are tasked with seeking justice and are privy to the particular circumstances of a defendant's background that might make them a strong candidate for a drug court program.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1394 amends the Government Code to require the consent of the attorney representing the state for a person or juvenile to participate in an applicable drug court program if the person or juvenile is ineligible to participate in a program because of the following:

- an offense committed by the person, involving any of the following, in which the use of alcohol or a controlled substance is suspected to have significantly contributed:
 - carrying, possessing, or using a firearm or other dangerous weapon;
 - the use of force against the person of another; or
 - the death of or serious bodily injury to another; or
- delinquent conduct or conduct indicating a need for supervision by the juvenile, involving any of the following, in which the use of alcohol or a controlled substance is suspected to have significantly contributed:

- carrying, possessing, or using a firearm or other dangerous weapon; or
- the death of or serious bodily injury to another.

The bill applies to a defendant who enters a drug court program, regardless of whether the defendant committed the offense for which the defendant enters the program before, on, or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.