

SENATE AMENDMENTS

2nd Printing

By: Guillen

H.B. No. 5183

A BILL TO BE ENTITLED

AN ACT

relating to the approval of equivalent educational programs for persons whose driver's license is suspended following conviction of certain drug offenses.

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

SECTION 1. Section 521.376, Transportation Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The Department of State Health Services:

(1) shall monitor, coordinate, and provide training to residential treatment facilities described by Section 521.374(a)(2)(C) ~~[521.374(a)(2)]~~ providing equivalent education; and

(2) shall administer the approval of the equivalent education provided in a ~~[residential treatment]~~ facility described by Section 521.374(a)(2)(A) or (B).

(c) The Texas Department of Criminal Justice or a community supervision and corrections department established under Chapter 76, Government Code, operating an equivalent educational program in a facility described by Section 521.374(a)(2)(A) or (B), as applicable, shall submit information regarding the program to the Department of State Health Services for approval under this subchapter.

SECTION 2. This Act takes effect September 1, 2023.

By: Nathan D. [Signature]

ADOPTED

MAY 24 2023

H.B. No. 5183

Substitute the following for ____B. No. ____:

By: Peter P. Stone [Signature]

Lately [Signature]
Secretary of the Senate

C.S. ____B. No. ____

A BILL TO BE ENTITLED

1

AN ACT

2 relating to educational programs for persons whose driver's license
3 is suspended following conviction of certain drug offenses.

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

5 SECTION 1. Section 106.115(a), Alcoholic Beverage Code, as
6 amended by Chapters 663 (H.B. 1560) and 948 (S.B. 1480), Acts of the
7 87th Legislature, Regular Session, 2021, is reenacted and amended
8 to read as follows:

9 (a) On the placement of a minor on deferred disposition for
10 an offense under Section 49.02, Penal Code, or under Section
11 106.02, 106.025, 106.04, 106.041, 106.05, or 106.07, the court
12 shall require the defendant to successfully complete one of the
13 following programs:

14 (1) an alcohol awareness program under this section
15 that is regulated under Chapter 171, Government Code; or

16 (2) a substance misuse ~~[drug]~~ education program under
17 Section 521.374(a)(1), Transportation Code, that is regulated
18 under Chapter 171, Government Code~~[, or~~

19 ~~[(3) a drug and alcohol driving awareness program~~
20 ~~under Section 1001.103, Education Code].~~

21 SECTION 2. Section 106.115(a-1), Alcoholic Beverage Code,
22 is amended to read as follows:

23 (a-1) On conviction of a minor of an offense under Section
24 49.02, Penal Code, or Section 106.02, 106.025, 106.04, 106.041,

1 106.05, or 106.07, the court, in addition to assessing a fine as
2 provided by those sections, shall require a defendant who has not
3 been previously convicted of an offense under one of those sections
4 to successfully complete an alcohol awareness program or[7] a
5 substance misuse [drug] education program[~~7 or a drug and alcohol~~
6 ~~driving awareness program described by Subsection (a)~~]. If the
7 defendant has been previously convicted once or more of an offense
8 under one or more of those sections, the court may require the
9 defendant to successfully complete an alcohol awareness program
10 or[7] a substance misuse [drug] education program[~~7 or a drug and~~
11 ~~alcohol driving awareness program described by Subsection (a)~~].

12 SECTION 3. Article 42A.514, Code of Criminal Procedure, is
13 amended to read as follows:

14 Art. 42A.514. COMMUNITY SUPERVISION FOR CERTAIN ALCOHOL OR
15 DRUG RELATED OFFENSES. (a) If a judge grants community
16 supervision to a defendant younger than 18 years of age convicted of
17 an alcohol-related offense under Section 106.02, 106.025, 106.04,
18 106.041, 106.05, or 106.07, Alcoholic Beverage Code, or Section
19 49.02, Penal Code, or an offense involving possession of a
20 controlled substance or marihuana under Section 481.115, 481.1151,
21 481.116, 481.1161, 481.117, 481.118, or 481.121, Health and Safety
22 Code, the judge may require the defendant as a condition of
23 community supervision to successfully complete, as appropriate:

24 (1) an alcohol awareness program under Section
25 106.115, Alcoholic Beverage Code, that is regulated by the Texas
26 Department of Licensing and Regulation under Chapter 171,
27 Government Code; or

1 (2) a substance misuse [~~drug~~] education program that
2 is designed to educate persons on the dangers of substance misuse
3 [~~drug—abuse~~] in accordance with Section 521.374(a)(1),
4 Transportation Code, and that is regulated by the Texas Department
5 of Licensing and Regulation under Chapter 171, Government Code.

6 (b) If a judge requires a defendant as a condition of
7 community supervision to attend an alcohol awareness program or
8 substance misuse [~~drug~~] education program described by Subsection
9 (a), unless the judge determines that the defendant is indigent and
10 unable to pay the cost, the judge shall require the defendant to pay
11 the cost of attending the program. The judge may allow the defendant
12 to pay the cost of attending the program in installments during the
13 term of community supervision.

14 SECTION 4. Articles 45.051(b) and (g), Code of Criminal
15 Procedure, are amended to read as follows:

16 (b) During the deferral period, the judge may require the
17 defendant to:

18 (1) post a bond in the amount of the fine assessed as
19 punishment for the offense to secure payment of the fine;

20 (2) pay restitution to the victim of the offense in an
21 amount not to exceed the fine assessed as punishment for the
22 offense;

23 (3) submit to professional counseling;

24 (4) submit to diagnostic testing for alcohol or a
25 controlled substance or drug;

26 (5) submit to a psychosocial assessment;

27 (6) successfully complete an alcohol awareness or

1 substance misuse [~~drug abuse~~] treatment or education program, such
2 as:

3 (A) a substance misuse [~~drug~~] education program
4 that is designed to educate persons on the dangers of substance
5 misuse [~~drug abuse~~] in accordance with Section 521.374(a)(1),
6 Transportation Code, and that is regulated by the Texas Department
7 of Licensing and Regulation under Chapter 171, Government Code; or

8 (B) an alcohol awareness program described by
9 Section 106.115, Alcoholic Beverage Code, that is regulated by the
10 Texas Department of Licensing and Regulation under Chapter 171,
11 Government Code;

12 (7) pay as reimbursement fees the costs of any
13 diagnostic testing, psychosocial assessment, or participation in a
14 treatment or education program either directly or through the court
15 as court costs;

16 (8) complete a driving safety course approved under
17 Chapter 1001, Education Code, or another course as directed by the
18 judge;

19 (9) present to the court satisfactory evidence that
20 the defendant has complied with each requirement imposed by the
21 judge under this article; and

22 (10) comply with any other reasonable condition.

23 (g) If a judge requires a defendant under Subsection (b) to
24 successfully complete an alcohol awareness program or substance
25 misuse [~~drug~~] education program as described by Subdivision (6) of
26 that subsection, unless the judge determines that the defendant is
27 indigent and unable to pay the cost, the judge shall require the

1 defendant to pay a reimbursement fee for the cost of the
2 program. The judge may allow the defendant to pay the fee in
3 installments during the deferral period.

4 SECTION 5. Section 53.03(h-1), Family Code, is amended to
5 read as follows:

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

16 SECTION 6. Sections 54.047(a) and (f), Family Code, are
17 amended to read as follows:

18 (a) If the court or jury finds at an adjudication hearing
19 for a child that the child engaged in delinquent conduct or conduct
20 indicating a need for supervision that constitutes a violation of
21 Section 481.115, 481.1151, 481.116, 481.1161, 481.117, 481.118, or
22 481.121, Health and Safety Code, the court may order that the child
23 successfully complete a substance misuse ~~[drug]~~ education program
24 that is designed to educate persons on the dangers of substance
25 misuse ~~[drug—abuse]~~ in accordance with Section 521.374(a)(1),
26 Transportation Code, and that is regulated by the Texas Department
27 of Licensing and Regulation under Chapter 171, Government Code.

1 (f) If the court orders a child under Subsection (a) or (b)
2 to successfully complete a substance misuse ~~[drug]~~ education
3 program or alcohol awareness program, unless the court determines
4 that the parent or guardian of the child is indigent and unable to
5 pay the cost, the court shall require the child's parent or a
6 guardian of the child to pay the cost of the program. The court
7 shall allow the child's parent or guardian to pay the cost of the
8 program in installments.

9 SECTION 7. Section 521.374, Transportation Code, is amended
10 by amending Subsection (a) and adding Subsection (a-1) to read as
11 follows:

12 (a) A person whose license is suspended under Section
13 521.372 may:

14 (1) successfully complete an in-person or online
15 educational program, approved by the Texas Department of Licensing
16 and Regulation under Chapter 171, Government Code, that is designed
17 to educate persons on the dangers of substance misuse ~~[drug abuse]~~;
18 or

19 (2) successfully complete education on the dangers of
20 substance misuse ~~[drug abuse approved by the Department of State~~
21 ~~Health Services as]~~ equivalent to the educational program described
22 by Subdivision (1), while the person is a resident of a facility for
23 the treatment of substance misuse ~~[drug abuse]~~ or chemical
24 dependency, including:

25 (A) a substance abuse treatment facility or
26 substance abuse felony punishment facility operated by the Texas
27 Department of Criminal Justice under Section 493.009, Government

1 Code;

2 (B) a community corrections facility, as defined
3 by Section 509.001, Government Code; or

4 (C) a chemical dependency treatment facility
5 licensed under Chapter 464, Health and Safety Code.

6 (a-1) The Texas Department of Criminal Justice shall
7 approve the equivalent education in facilities described by
8 Subsections (a)(2)(A) and (B). The Health and Human Services
9 Commission shall approve the equivalent education in a facility
10 described by Subsection (a)(2)(C).

11 SECTION 8. Section 521.375(c), Transportation Code, is
12 amended to read as follows:

13 (c) The Health and Human [~~Department of State Health~~]
14 Services Commission shall publish the jointly adopted rules under
15 Subsection (a-1).

16 SECTION 9. The heading to Section 521.376, Transportation
17 Code, is amended to read as follows:

18 Sec. 521.376. DUTIES OF TEXAS DEPARTMENT OF LICENSING AND
19 REGULATION, HEALTH AND HUMAN [~~AND DEPARTMENT OF STATE HEALTH~~]
20 SERVICES COMMISSION, AND TEXAS DEPARTMENT OF CRIMINAL JUSTICE;
21 APPLICATION AND RENEWAL FEES.

22 SECTION 10. Section 521.376, Transportation Code, is
23 amended by amending Subsection (b) and adding Subsection (c) to
24 read as follows:

25 (b) The Health and Human [~~Department of State Health~~]
26 Services Commission:

27 (1) shall monitor a chemical dependency treatment

1 facility's compliance with providing the approved educational
2 program as [~~, coordinate, and provide training to residential~~
3 ~~treatment facilities~~] described by Section 521.374(a)(2) providing
4 equivalent education; and

5 (2) shall administer the approval of the equivalent
6 education provided in a chemical dependency [~~residential~~]
7 treatment facility described by Section 521.374(a)(2)(C).

8 (c) The Texas Department of Criminal Justice:

9 (1) shall monitor the compliance of a facility
10 described by Section 521.374(a)(2)(A) or (B) with providing the
11 approved educational program as described by Section 521.374(a)(2)
12 providing equivalent education; and

13 (2) shall administer the approval of the equivalent
14 educational program provided in a facility described by Section
15 521.374(a)(2)(A) or (B).

16 SECTION 11. This Act takes effect immediately if it
17 receives a vote of two-thirds of all the members elected to each
18 house, as provided by Section 39, Article III, Texas Constitution.
19 If this Act does not receive the vote necessary for immediate
20 effect, this Act takes effect September 1, 2023.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 25, 2023

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB5183 by Guillen (Relating to educational programs for persons whose driver's license is suspended following conviction of certain drug offenses.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would allow certain persons to be sentenced to alcohol awareness or substance misuse education programs regulated by the Texas Department of Licensing and Regulation (TDLR) as a condition of release. The bill would require the Texas Department of Criminal Justice (TDCJ) and community supervision and corrections departments to submit information related to certain rehabilitative programs to the Health and Human Services Commission (HHSC) for approval.

According to TDCJ, HHSC, and TDLR, it is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

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

Source Agencies: 405 Department of Public Safety, 452 Department of Licensing and Regulation, 529 Health and Human Services Commission, 537 State Health Services, Department of, 696 Department of Criminal Justice

LBB Staff: JMc, SD, DDel, KFB, CSh

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 20, 2023

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB5183 by Guillen (Relating to educational programs for persons whose driver's license is suspended following conviction of certain drug offenses.), **Committee Report 2nd House, Substituted**

<p>No significant fiscal implication to the State is anticipated.</p>
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Local Government Impact

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

Source Agencies: 405 Department of Public Safety, 452 Department of Licensing and Regulation, 529 Health and Human Services Commission, 537 State Health Services, Department of, 696 Department of Criminal Justice

LBB Staff: JMc, DDeI, KFB, CSh

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 18, 2023

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB5183 by Guillen (Relating to the approval of equivalent educational programs for persons whose driver's license is suspended following conviction of certain drug offenses.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would require the Texas Department of Criminal Justice (TDCJ) and community supervision and corrections departments to submit information related to certain rehabilitative programs to the Department of State Health Services (DSHS) for approval. According to DSHS, the approval of drug offense educational programs is now completed by the Health and Human Services Commission (HHSC).

According to TDCJ, DSHS, and HHSC, it is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

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

Source Agencies: 405 Department of Public Safety, 529 Health and Human Services Commission, 537 State Health Services, Department of, 696 Department of Criminal Justice

LBB Staff: JMc, DDel, KFB, CSh

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

April 10, 2023

TO: Honorable Abel Herrero, Chair, House Committee on Corrections

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB5183 by Guillen (Relating to the approval of equivalent educational programs for persons whose driver's license is suspended following conviction of certain drug offenses.), **As Introduced**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would require the Texas Department of Criminal Justice (TDCJ) and community supervision and corrections departments to submit information related to certain rehabilitative programs to the Department of State Health Services (DSHS) for approval. According to DSHS, the approval of drug offense educational programs is now completed by the Health and Human Services Commission (HHSC).

According to TDCJ, DSHS, and HHSC, it is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

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

Source Agencies: 405 Department of Public Safety, 529 Health and Human Services Commission, 537 State Health Services, Department of, 696 Department of Criminal Justice

LBB Staff: JMc, DDel, KFB, CSh