

House Bill 5183
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (CS)	CONFERENCE
No equivalent provision.	<p>SECTION 1. Section 106.115(a), Alcoholic Beverage Code, as amended by Chapters 663 (H.B. 1560) and 948 (S.B. 1480), Acts of the 87th Legislature, Regular Session, 2021, is reenacted and amended to read as follows:</p> <p>(a) On the placement of a minor on deferred disposition for an offense under Section 49.02, Penal Code, or under Section 106.02, 106.025, 106.04, 106.041, 106.05, or 106.07, the court shall require the defendant to successfully complete one of the following programs:</p> <p>(1) an alcohol awareness program under this section that is regulated under Chapter 171, Government Code; <u>or</u></p> <p>(2) a <u>substance misuse</u> [drug] education program under Section 521.374(a)(1), Transportation Code, that is regulated under Chapter 171, Government Code;<u> or</u></p> <p>[(3) a drug and alcohol driving awareness program under Section 1001.103, Education Code].</p>	
No equivalent provision.	<p>SECTION 2. Section 106.115(a-1), Alcoholic Beverage Code, is amended to read as follows:</p> <p>(a-1) On conviction of a minor of an offense under Section 49.02, Penal Code, or Section 106.02, 106.025, 106.04, 106.041, 106.05, or 106.07, the court, in addition to assessing a fine as provided by those sections, shall require a defendant who has not been previously convicted of an offense under one of those sections to successfully complete an alcohol awareness program <u>or</u>; a <u>substance misuse</u> [drug] education program; or a drug and alcohol driving awareness program described by Subsection (a)]. If the defendant has been previously convicted once or more of an offense under one or more of those sections, the court may require the defendant to successfully complete an alcohol</p>	

House Bill 5183
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

awareness program ~~or~~ [;] a substance misuse [drug] education program [; ~~or a drug and alcohol driving awareness program described by Subsection (a)~~].

No equivalent provision.

SECTION 3. Article 42A.514, Code of Criminal Procedure, is amended to read as follows:
Art. 42A.514. COMMUNITY SUPERVISION FOR CERTAIN ALCOHOL OR DRUG RELATED OFFENSES.
(a) If a judge grants community supervision to a defendant younger than 18 years of age convicted of an alcohol-related offense under Section 106.02, 106.025, 106.04, 106.041, 106.05, or 106.07, Alcoholic Beverage Code, or Section 49.02, Penal Code, or an offense involving possession of a controlled substance or marihuana under Section 481.115, 481.1151, 481.116, 481.1161, 481.117, 481.118, or 481.121, Health and Safety Code, the judge may require the defendant as a condition of community supervision to successfully complete, as appropriate:
(1) an alcohol awareness program under Section 106.115, Alcoholic Beverage Code, that is regulated by the Texas Department of Licensing and Regulation under Chapter 171, Government Code; or
(2) a substance misuse [drug] education program that is designed to educate persons on the dangers of substance misuse [drug—abuse] in accordance with Section 521.374(a)(1), Transportation Code, and that is regulated by the Texas Department of Licensing and Regulation under Chapter 171, Government Code.
(b) If a judge requires a defendant as a condition of community supervision to attend an alcohol awareness program or substance misuse [drug] education program

House Bill 5183
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

described by Subsection (a), unless the judge determines that the defendant is indigent and unable to pay the cost, the judge shall require the defendant to pay the cost of attending the program. The judge may allow the defendant to pay the cost of attending the program in installments during the term of community supervision.

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

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

- (1) post a bond in the amount of the fine assessed as punishment for the offense to secure payment of the fine;
- (2) pay restitution to the victim of the offense in an amount not to exceed the fine assessed as punishment for the offense;
- (3) submit to professional counseling;
- (4) submit to diagnostic testing for alcohol or a controlled substance or drug;
- (5) submit to a psychosocial assessment;
- (6) successfully complete an alcohol awareness or substance misuse [~~drug abuse~~] treatment or education program, such as:

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

(B) an alcohol awareness program described by Section 106.115, Alcoholic Beverage Code, that is regulated by the

No equivalent provision.

House Bill 5183
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

Texas Department of Licensing and Regulation under Chapter 171, Government Code;

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

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

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

(10) comply with any other reasonable condition.

(g) If a judge requires a defendant under Subsection (b) to successfully complete an alcohol awareness program or substance misuse ~~[drug]~~ education program as described by Subdivision (6) of that subsection, unless the judge determines that the defendant is indigent and unable to pay the cost, the judge shall require the defendant to pay a reimbursement fee for the cost of the program. The judge may allow the defendant to pay the fee in installments during the deferral period.

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

(h-1) If the child is alleged to have engaged in delinquent conduct or conduct indicating a need for supervision that violates Section 481.115, 481.1151, 481.116, 481.1161, 481.117, 481.118, or 481.121, Health and Safety Code, deferred prosecution under this section may include a condition that the child successfully complete a substance

No equivalent provision.

House Bill 5183
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

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

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

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

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

No equivalent provision.

House Bill 5183
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

No equivalent provision.

SENATE VERSION (CS)

CONFERENCE

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

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

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

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

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

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

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

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

House Bill 5183
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (CS)	CONFERENCE
No equivalent provision.	SECTION 8. Section 521.375(c), Transportation Code, is amended to read as follows: (c) The <u>Health and Human</u> [Department of State Health] Services <u>Commission</u> shall publish the jointly adopted rules under Subsection (a-1).	
No equivalent provision.	SECTION 9. The heading to Section 521.376, Transportation Code, is amended to read as follows: Sec. 521.376. DUTIES OF TEXAS DEPARTMENT OF LICENSING AND REGULATION, <u>HEALTH AND HUMAN</u> [AND DEPARTMENT OF STATE HEALTH] SERVICES <u>COMMISSION, AND TEXAS DEPARTMENT OF CRIMINAL JUSTICE;</u> APPLICATION AND RENEWAL FEES.	
SECTION 1. Section 521.376, Transportation Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows: (b) The <u>Department of State Health Services</u> : (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) <u>The Texas Department of Criminal Justice or a community supervision and corrections department</u>	SECTION 10. Section 521.376, Transportation Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows: (b) The <u>Health and Human</u> [Department of State Health] Services <u>Commission</u> : (1) shall monitor <u>a chemical dependency treatment facility's compliance with providing the approved educational program as</u> [, coordinate, and provide training to residential treatment facilities] described by Section 521.374(a)(2) providing equivalent education; and (2) shall administer the approval of the equivalent education provided in a <u>chemical dependency</u> [residential] treatment facility described by Section 521.374(a)(2)(C). (c) <u>The Texas Department of Criminal Justice:</u>	

House Bill 5183
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (CS)	CONFERENCE
<u>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.</u>	<u>(1) shall monitor the compliance of a facility described by Section 521.374(a)(2)(A) or (B) with providing the approved educational program as described by Section 521.374(a)(2) providing equivalent education; and</u> <u>(2) shall administer the approval of the equivalent educational program provided in a facility described by Section 521.374(a)(2)(A) or (B).</u>	
SECTION 2. This Act takes effect September 1, 2023.	SECTION 11. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.	