By: Johnson H.B. No. 342

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility to participate in certain drug court programs.

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

SECTION 1. Section 123.002, Government Code, is amended to read as follows:

Sec. 123.002. AUTHORITY TO ESTABLISH PROGRAM; ELIGIBILITY. (a) The commissioners court of a county or governing body of a municipality may establish the following types of drug court programs:

(1) drug courts for persons arrested for, charged with, or convicted of:

(A) an offense in which an element of the offense is the use or possession of alcohol or the use, possession, or sale of a controlled substance, a controlled substance analogue, or marihuana; or

(B) an offense in which the use of alcohol or a controlled substance is suspected to have significantly contributed to the commission of the offense and the offense did not involve:

(i) carrying, possessing, or using a firearm or other dangerous weapon;

(ii) the use of force against the person of another; or

(iii) the death of or serious bodily injury to another;

(2) drug courts for juveniles detained for, taken into custody for, or adjudicated as having engaged in:

(A) delinquent conduct, including habitual felony conduct, or conduct indicating a need for supervision in which an element of the conduct is the use or possession of alcohol or the use, possession, or sale of a controlled substance, a controlled substance analogue, or marihuana; or

(B) delinquent conduct, including habitual felony conduct, or conduct indicating a need for supervision in which the use of alcohol or a controlled substance is suspected to have significantly contributed to the commission of the conduct, subject to Subsections (b) and (c) [~~and the conduct did not involve:~~

[~~(i) carrying, possessing, or using a firearm or other dangerous weapon;~~

[~~(ii) the use of force against the person of another; or~~

[~~(iii) the death of or serious bodily injury to another~~];

(3) reentry drug courts for persons with a demonstrated history of using alcohol or a controlled substance who may benefit from a program designed to facilitate the person's transition and reintegration into the community on release from a state or local correctional facility;

(4) family dependency drug treatment courts for family members involved in a suit affecting the parent-child relationship

in which a parent's use of alcohol or a controlled substance is a primary consideration in the outcome of the suit; or

(5) programs for other persons not precisely described by Subdivisions (1)-(4) who may benefit from a program that has the essential characteristics described by Section 123.001.

(b) Unless the attorney representing the state consents to the participation in the applicable drug court program, a juvenile is not eligible to participate in a drug court program established under Subsection (a)(2) for conduct described by Subsection (a)(2)(B) involving:

(1) carrying, possessing, or using a firearm or other dangerous weapon; or

(2) serious bodily injury to another.

(c) A juvenile is not eligible to participate in a drug court program established under Subsection (a)(2) for conduct described by Subsection (a)(2)(B) involving the death of another.

SECTION 2. Section 123.006(a), Government Code, is amended to read as follows:

(a) The commissioners court of a county with a population of more than 200,000 shall:

(1) establish a drug court program under Section 123.002(a)(1) [~~123.002(1)~~]; and

(2) direct the judge, magistrate, or coordinator to comply with Section 121.002(c)(1).

SECTION 3. The change in law made by this Act applies to a juvenile who enters a drug court program under Chapter 123, Government Code, regardless of whether the juvenile engaged in the

conduct for which the juvenile enters the program before, on, or after the effective date of this Act.

SECTION 4. This Act takes effect September 1, 2027.