

1 AN ACT

2 relating to specialty court programs in this state.

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

4 ARTICLE 1. SPECIALTY COURT PROGRAMS

5 SECTION 1.01. Title 2, Government Code, is amended by
6 adding Subtitle K to read as follows:

7 SUBTITLE K. SPECIALTY COURTS

8 CHAPTER 121. GENERAL PROVISIONS

9 Sec. 121.001. DEFINITION. In this subtitle, "specialty
10 court" means a court established under this subtitle or former law.

11 Sec. 121.002. OVERSIGHT. (a) The lieutenant governor and
12 the speaker of the house of representatives may assign to
13 appropriate legislative committees duties relating to the
14 oversight of specialty court programs.

15 (b) For the purpose of determining the eligibility of a
16 specialty court program to receive state or federal grant funds
17 administered by a state agency, the governor or a legislative
18 committee to which duties are assigned under Subsection (a) may
19 request the state auditor to perform a management, operations, or
20 financial or accounting audit of the program.

21 (c) Notwithstanding any other law, a specialty court
22 program may not operate until the judge, magistrate, or
23 coordinator:

24 (1) provides to the criminal justice division of the

1 governor's office:

2 (A) written notice of the program;

3 (B) any resolution or other official declaration
4 under which the program was established; and

5 (C) a copy of the applicable community justice
6 plan that incorporates duties related to supervision that will be
7 required under the program; and

8 (2) receives from the division written verification of
9 the program's compliance with Subdivision (1).

10 (d) A specialty court program shall:

11 (1) comply with all programmatic best practices
12 recommended by the Specialty Courts Advisory Council under Section
13 772.0061(b)(2) and approved by the Texas Judicial Council; and

14 (2) report to the criminal justice division any
15 information required by the division regarding the performance of
16 the program.

17 (e) A specialty court program that fails to comply with
18 Subsections (c) and (d) is not eligible to receive any state or
19 federal grant funds administered by any state agency.

20 SECTION 1.02. Subchapter J, Chapter 264, Family Code, is
21 transferred to Subtitle K, Title 2, Government Code, as added by
22 this Act, redesignated as Chapter 122, Government Code, and amended
23 to read as follows:

24 CHAPTER 122 [~~SUBCHAPTER J~~]. FAMILY DRUG COURT PROGRAM

25 Sec. 122.001 [~~264.801~~]. FAMILY DRUG COURT PROGRAM DEFINED.

26 In this chapter [~~subchapter~~], "family drug court program" means a
27 program that has the following essential characteristics:

1 (1) the integration of substance abuse treatment
2 services in the processing of civil cases in the child welfare
3 system with the goal of family reunification;

4 (2) the use of a comprehensive case management
5 approach involving Department of Family and Protective Services
6 [~~department~~] caseworkers, court-appointed case managers, and
7 court-appointed special advocates to rehabilitate a parent who has
8 had a child removed from the parent's care by the department because
9 of suspected child abuse or neglect and who is suspected of
10 substance abuse;

11 (3) early identification and prompt placement of
12 eligible parents who volunteer to participate in the program;

13 (4) comprehensive substance abuse needs assessment
14 and referral to an appropriate substance abuse treatment agency;

15 (5) a progressive treatment approach with specific
16 requirements that a parent must meet to advance to the next phase of
17 the program;

18 (6) monitoring of abstinence through periodic alcohol
19 or other drug testing;

20 (7) ongoing judicial interaction with program
21 participants;

22 (8) monitoring and evaluation of program goals and
23 effectiveness;

24 (9) continuing interdisciplinary education to promote
25 effective program planning, implementation, and operations; and

26 (10) development of partnerships with public agencies
27 and community organizations.

1 Sec. 122.002 [~~264.802~~]. AUTHORITY TO ESTABLISH PROGRAM.

2 The commissioners court of a county may establish a family drug
3 court program for persons who:

4 (1) have had a child removed from their care by the
5 Department of Family and Protective Services [~~department~~]; and

6 (2) are suspected by the Department of Family and
7 Protective Services [~~department~~] or a court of having a substance
8 abuse problem.

9 [~~Sec. 264.803. OVERSIGHT. (a) The lieutenant governor and~~
10 ~~the speaker of the house of representatives may assign to~~
11 ~~appropriate legislative committees duties relating to the~~
12 ~~oversight of family drug court programs established under this~~
13 ~~subchapter.~~

14 [~~(b) A legislative committee or the governor may request the~~
15 ~~state auditor to perform a management, operations, or financial or~~
16 ~~accounting audit of a family drug court program established under~~
17 ~~this subchapter.~~]

18 Sec. 122.003 [~~264.804~~]. PARTICIPANT PAYMENT FOR TREATMENT
19 AND SERVICES. A family drug court program may require a participant
20 to pay the cost of all treatment and services received while
21 participating in the program, based on the participant's ability to
22 pay.

23 Sec. 122.004 [~~264.805~~]. FUNDING. A county creating a
24 family drug court under this chapter shall explore the possibility
25 of using court improvement project funds to finance the family drug
26 court in the county. The county shall also explore the availability
27 of federal and state matching funds to finance the court.

1 SECTION 1.03. Subsection (a), Section 76.011, Government
2 Code, is amended to read as follows:

3 (a) The department may operate programs for:

4 (1) the supervision and rehabilitation of persons in
5 pretrial intervention programs;

6 (2) the supervision of persons released on bail under:

7 (A) Chapter 11, Code of Criminal Procedure;

8 (B) Chapter 17, Code of Criminal Procedure;

9 (C) Article 44.04, Code of Criminal Procedure; or

10 (D) any other law;

11 (3) the supervision of a person subject to, or the
12 verification of compliance with, a court order issued under:

13 (A) Article 17.441, Code of Criminal Procedure,
14 requiring a person to install a deep-lung breath analysis mechanism
15 on each vehicle owned or operated by the person;

16 (B) Chapter 123 of this code or former law [469,
17 ~~Health and Safety Code~~], issuing an occupational driver's license;

18 (C) Section 49.09(h), Penal Code, requiring a
19 person to install a deep-lung breath analysis mechanism on each
20 vehicle owned or operated by the person; or

21 (D) Subchapter L, Chapter 521, Transportation
22 Code, granting a person an occupational driver's license; and

23 (4) the supervision of a person not otherwise
24 described by Subdivision (1), (2), or (3), if a court orders the
25 person to submit to the supervision of, or to receive services from,
26 the department.

27 SECTION 1.04. Chapter 469, Health and Safety Code, is

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1 transferred to Subtitle K, Title 2, Government Code, as added by
2 this Act, redesignated as Chapter 123, Government Code, and amended
3 to read as follows:

4 CHAPTER 123 [~~469~~]. DRUG COURT PROGRAMS

5 Sec. 123.001 [~~469.001~~]. DRUG COURT PROGRAM DEFINED;
6 PROCEDURES FOR CERTAIN DEFENDANTS. (a) In this chapter, "drug
7 court program" means a program that has the following essential
8 characteristics:

9 (1) the integration of alcohol and other drug
10 treatment services in the processing of cases in the judicial
11 system;

12 (2) the use of a nonadversarial approach involving
13 prosecutors and defense attorneys to promote public safety and to
14 protect the due process rights of program participants;

15 (3) early identification and prompt placement of
16 eligible participants in the program;

17 (4) access to a continuum of alcohol, drug, and other
18 related treatment and rehabilitative services;

19 (5) monitoring of abstinence through weekly alcohol
20 and other drug testing;

21 (6) a coordinated strategy to govern program responses
22 to participants' compliance;

23 (7) ongoing judicial interaction with program
24 participants;

25 (8) monitoring and evaluation of program goals and
26 effectiveness;

27 (9) continuing interdisciplinary education to promote

1 effective program planning, implementation, and operations; and
2 (10) development of partnerships with public agencies
3 and community organizations.

4 (b) If a defendant successfully completes a drug court
5 program, regardless of whether the defendant was convicted of the
6 offense for which the defendant entered the program or whether the
7 court deferred further proceedings without entering an
8 adjudication of guilt, after notice to the state and a hearing on
9 whether the defendant is otherwise entitled to the petition and
10 whether issuance of the order is in the best interest of justice,
11 the court shall enter an order of nondisclosure under Section
12 411.081[~~, Government Code,~~] as if the defendant had received a
13 discharge and dismissal under Section 5(c), Article 42.12, Code of
14 Criminal Procedure, with respect to all records and files related
15 to the defendant's arrest for the offense for which the defendant
16 entered the program if the defendant:

17 (1) has not been previously convicted of an [a-felony]
18 offense listed in Section 3g, Article 42.12, Code of Criminal
19 Procedure, or a sexually violent offense, as defined by Article
20 62.001, Code of Criminal Procedure; and

21 (2) is not convicted for any [~~other~~] felony offense
22 between the date on which the defendant successfully completed the
23 program and [before] the second anniversary of that date [the
24 defendant's successful completion of the program].

25 (c) Notwithstanding Subsection (b), a defendant is not
26 entitled to petition the court for an order of nondisclosure
27 following successful completion of a drug court program if the

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1 defendant's entry into the program arose as the result of a
2 conviction for an offense involving the operation of a motor
3 vehicle while intoxicated.

4 Sec. 123.002 [~~469.002~~]. AUTHORITY TO ESTABLISH PROGRAM.

5 The commissioners court of a county or governing body of a
6 municipality may establish the following types of drug court
7 programs:

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

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

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

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

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

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

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

26 (A) delinquent conduct, including habitual
27 felony conduct, or conduct indicating a need for supervision in

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1 which an element of the conduct is the use or possession of alcohol
2 or the use, possession, or sale of a controlled substance, a
3 controlled substance analogue, or marihuana; or

4 (B) delinquent conduct, including habitual
5 felony conduct, or conduct indicating a need for supervision in
6 which the use of alcohol or a controlled substance is suspected to
7 have significantly contributed to the commission of the conduct and
8 the conduct did not involve:

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

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

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

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

20 (4) family dependency drug treatment courts for family
21 members involved in a suit affecting the parent-child relationship
22 in which a parent's use of alcohol or a controlled substance is a
23 primary consideration in the outcome of the suit; or

24 (5) programs for other persons not precisely described
25 by Subdivisions (1)-(4) who may benefit from a program that has the
26 essential characteristics described by Section 123.001 [~~469.001~~].

27 Sec. 123.003 [~~469.0025~~]. ESTABLISHMENT OF REGIONAL

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1 PROGRAM. (a) The commissioners courts of two or more counties, or
2 the governing bodies of two or more municipalities, may elect to
3 establish a regional drug court program under this chapter for the
4 participating counties or municipalities.

5 (b) For purposes of this chapter, each county or
6 municipality that elects to establish a regional drug court program
7 under this section is considered to have established the program
8 and is entitled to retain fees under Article 102.0178, Code of
9 Criminal Procedure, in the same manner as if the county or
10 municipality had established a drug court program without
11 participating in a regional program.

12 [~~Sec. 469.003. OVERSIGHT. (a) The lieutenant governor and~~
13 ~~the speaker of the house of representatives may assign to~~
14 ~~appropriate legislative committees duties relating to the~~
15 ~~oversight of drug court programs established under this chapter.~~

16 [~~(b) A legislative committee or the governor may request the~~
17 ~~state auditor to perform a management, operations, or financial or~~
18 ~~accounting audit of a drug court program established under this~~
19 ~~chapter.~~

20 [~~(c) A drug court program established under this chapter~~
21 ~~shall.~~

22 [~~(1) notify the criminal justice division of the~~
23 ~~governor's office before or on implementation of the program, and~~

24 [~~(2) provide information regarding the performance of~~
25 ~~the program to the division on request.]~~

26 Sec. 123.004 [~~469.004~~]. FEES. (a) A drug court program
27 established under this chapter may collect from a participant in

1 the program:

- 2 (1) a reasonable program fee not to exceed \$1,000; and
- 3 (2) an alcohol or controlled substance testing,
- 4 counseling, and treatment fee in an amount necessary to cover the
- 5 costs of the testing, counseling, and treatment.

6 (b) Fees collected under this section may be paid on a
 7 periodic basis or on a deferred payment schedule at the discretion
 8 of the judge, magistrate, or coordinator [~~program director~~
 9 ~~administering the program~~]. The fees must be:

- 10 (1) based on the participant's ability to pay; and
- 11 (2) used only for purposes specific to the program.

12 Sec. 123.005 [~~469.005~~]. DRUG COURT PROGRAMS EXCLUSIVELY
 13 FOR CERTAIN INTOXICATION OFFENSES. (a) The commissioners court of
 14 a county may establish under this chapter a drug court program
 15 exclusively for persons arrested for, charged with, or convicted of
 16 an offense involving the operation of a motor vehicle while
 17 intoxicated.

18 (b) A county that establishes a drug court program under
 19 this chapter but does not establish a separate program under this
 20 section must employ procedures designed to ensure that a person
 21 arrested for, charged with, or convicted of a second or subsequent
 22 offense involving the operation of a motor vehicle while
 23 intoxicated participates in the county's existing drug court
 24 program.

25 Sec. 123.006 [~~469.006~~]. PROGRAM IN CERTAIN COUNTIES
 26 MANDATORY. (a) The commissioners court of a county with a
 27 population of more than 200,000 shall:

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

3 (2) direct the judge, magistrate, or coordinator to
4 comply with Section 121.002(c)(1) [469.002].

5 (b) A county required under this section to establish a drug
6 court program shall apply for federal and state funds available to
7 pay the costs of the program. The criminal justice division of the
8 governor's office may assist a county in applying for federal funds
9 as required by this subsection.

10 (c) Notwithstanding Subsection (a), a county is required to
11 establish a drug court program under this section only if:

12 (1) the county receives federal or state funding,
13 including funding under Article 102.0178, Code of Criminal
14 Procedure, specifically for that purpose; and

15 (2) the judge, magistrate, or coordinator receives the
16 verification described by Section 121.002(c)(2).

17 (d) A county that does not establish a drug court program as
18 required by this section and maintain the program is ineligible to
19 receive from the state:

20 (1) funds for a community supervision and corrections
21 department; and

22 (2) grants for substance abuse treatment programs
23 administered by the criminal justice division of the governor's
24 office.

25 Sec. 123.007 [~~469.007~~]. USE OF OTHER DRUG AND ALCOHOL
26 AWARENESS PROGRAMS. In addition to using a drug court program
27 established under this chapter, the commissioners court of a county

1 or a court may use other drug awareness or drug and alcohol driving
2 awareness programs to treat persons convicted of drug or alcohol
3 related offenses.

4 Sec. 123.008 [~~469.008~~]. SUSPENSION OR DISMISSAL OF
5 COMMUNITY SERVICE REQUIREMENT. (a) Notwithstanding Sections 13
6 and 16, Article 42.12, Code of Criminal Procedure, to encourage
7 participation in a drug court program established under this
8 chapter, the judge or magistrate administering the program may
9 suspend any requirement that, as a condition of community
10 supervision, a participant in the program work a specified number
11 of hours at a community service project or projects.

12 (b) On a participant's successful completion of a drug court
13 program, a judge or magistrate may excuse the participant from any
14 condition of community supervision previously suspended under
15 Subsection (a).

16 Sec. 123.009 [~~469.009~~]. OCCUPATIONAL DRIVER'S LICENSE.
17 Notwithstanding Section 521.242, Transportation Code, if a
18 participant's driver's license has been suspended as a result of an
19 alcohol-related or drug-related enforcement contact, as defined by
20 Section 524.001, Transportation Code, or as a result of a
21 conviction under Section 49.04, 49.07, or 49.08, Penal Code, the
22 judge or magistrate administering a drug court program under this
23 chapter may order that an occupational license be issued to the
24 participant. An order issued under this section is subject to
25 Sections 521.248-521.252, Transportation Code, except that any
26 reference to a petition under Section 521.242 of that code does not
27 apply.

1 SECTION 1.05. Chapter 617, Health and Safety Code, is
2 transferred to Subtitle K, Title 2, Government Code, as added by
3 this Act, redesignated as Chapter 124, Government Code, and amended
4 to read as follows:

5 CHAPTER 124 [~~617~~]. VETERANS COURT PROGRAM

6 Sec. 124.001 [~~617.001~~]. VETERANS COURT PROGRAM DEFINED;
7 PROCEDURES FOR CERTAIN DEFENDANTS. (a) In this chapter, "veterans
8 court program" means a program that has the following essential
9 characteristics:

- 10 (1) the integration of services in the processing of
11 cases in the judicial system;
- 12 (2) the use of a nonadversarial approach involving
13 prosecutors and defense attorneys to promote public safety and to
14 protect the due process rights of program participants;
- 15 (3) early identification and prompt placement of
16 eligible participants in the program;
- 17 (4) access to a continuum of alcohol, controlled
18 substance, mental health, and other related treatment and
19 rehabilitative services;
- 20 (5) careful monitoring of treatment and services
21 provided to program participants;
- 22 (6) a coordinated strategy to govern program responses
23 to participants' compliance;
- 24 (7) ongoing judicial interaction with program
25 participants;
- 26 (8) monitoring and evaluation of program goals and
27 effectiveness;

1 (9) continuing interdisciplinary education to promote
2 effective program planning, implementation, and operations; and

3 (10) development of partnerships with public agencies
4 and community organizations, including the United States
5 Department of Veterans Affairs.

6 (b) If a defendant successfully completes a veterans court
7 program~~[7]~~ as authorized under Section 76.011, [~~Government Code~~],
8 after notice to the attorney representing the state and a hearing in
9 the veterans court at which that court determines that a dismissal
10 is in the best interest of justice, the court in which the criminal
11 case is pending shall dismiss the criminal action against the
12 defendant.

13 Sec. 124.002 [~~617.002~~]. AUTHORITY TO ESTABLISH PROGRAM;
14 ELIGIBILITY. (a) The commissioners court of a county may
15 establish a veterans court program for persons arrested for or
16 charged with any misdemeanor or felony offense. A defendant is
17 eligible to participate in a veterans court program established
18 under this chapter only if the attorney representing the state
19 consents to the defendant's participation in the program and if the
20 court in which the criminal case is pending finds that the
21 defendant:

22 (1) is a veteran or current member of the United States
23 armed forces, including a member of the reserves, national guard,
24 or state guard; and

25 (2) suffers from a brain injury, mental illness, or
26 mental disorder, including post-traumatic stress disorder, that:

27 (A) resulted from the defendant's military

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1 service in a combat zone or other similar hazardous duty area; and

2 (B) materially affected the defendant's criminal
3 conduct at issue in the case.

4 (b) The court in which the criminal case is pending shall
5 allow an eligible defendant to choose whether to proceed through
6 the veterans court program or otherwise through the criminal
7 justice system.

8 (c) Proof of matters described by Subsection (a) may be
9 submitted to the court in which the criminal case is pending in any
10 form the court determines to be appropriate, including military
11 service and medical records, previous determinations of a
12 disability by a veteran's organization or by the United States
13 Department of Veterans Affairs, testimony or affidavits of other
14 veterans or service members, and prior determinations of
15 eligibility for benefits by any state or county veterans office.
16 The court's findings must accompany any docketed case.

17 Sec. 124.003 [~~617.003~~]. DUTIES OF VETERANS COURT. (a) A
18 veterans court program established under this chapter must:

19 (1) ensure a person eligible for the program is
20 provided legal counsel before volunteering to proceed through the
21 program and while participating in the program;

22 (2) allow a participant to withdraw from the program
23 at any time before a trial on the merits has been initiated;

24 (3) provide a participant with a court-ordered
25 individualized treatment plan indicating the services that will be
26 provided to the participant; and

27 (4) ensure that the jurisdiction of the veterans court

1 continues for a period of not less than six months but does not
2 continue beyond the period of community supervision for the offense
3 charged.

4 (b) A veterans court program established under this chapter
5 shall make, establish, and publish local procedures to ensure
6 maximum participation of eligible defendants in the county or
7 counties in which those defendants reside.

8 (c) This chapter does not prevent the initiation of
9 procedures under Chapter 46B, Code of Criminal Procedure.

10 Sec. 124.004 [~~617.004~~]. ESTABLISHMENT OF REGIONAL PROGRAM.

11 (a) The commissioners courts of two or more counties may elect to
12 establish a regional veterans court program under this chapter for
13 the participating counties.

14 (b) For purposes of this chapter, each county that elects to
15 establish a regional veterans court program under this section is
16 considered to have established the program and is entitled to
17 retain fees under Article 102.0178, Code of Criminal Procedure, in
18 the same manner as if the county had established a veterans court
19 program without participating in a regional program.

20 [~~Sec. 617.005. OVERSIGHT. (a) The lieutenant governor and~~
21 ~~the speaker of the house of representatives may assign to~~
22 ~~appropriate legislative committees duties relating to the~~
23 ~~oversight of veterans court programs established under this~~
24 ~~chapter.~~

25 [(~~b) A legislative committee or the governor may request the~~
26 ~~state auditor to perform a management, operations, or financial or~~
27 ~~accounting audit of a veterans court program established under this~~

1 ~~chapter.~~

2 ~~[(c) A veterans court program established under this~~
3 ~~chapter shall:~~

4 ~~[(1) notify the criminal justice division of the~~
5 ~~governor's office before or on implementation of the program; and~~

6 ~~[(2) provide information regarding the performance of~~
7 ~~the program to that division on request.]~~

8 Sec. 124.005 [~~617.006~~]. FEES. (a) A veterans court
9 program established under this chapter may collect from a
10 participant in the program:

- 11 (1) a reasonable program fee not to exceed \$1,000; and
- 12 (2) a testing, counseling, and treatment fee in an
- 13 amount necessary to cover the costs of any testing, counseling, or
- 14 treatment performed or provided under the program.

15 (b) Fees collected under this section may be paid on a
16 periodic basis or on a deferred payment schedule at the discretion
17 of the judge, magistrate, or coordinator [~~program director~~
18 ~~administering the program~~]. The fees must be:

- 19 (1) based on the participant's ability to pay; and
- 20 (2) used only for purposes specific to the program.

21 SECTION 1.06. Chapter 616, Health and Safety Code, is
22 transferred to Subtitle K, Title 2, Government Code, as added by
23 this Act, redesignated as Chapter 125, Government Code, and amended
24 to read as follows:

25 CHAPTER 125 [~~616~~]. MENTAL HEALTH COURT PROGRAMS

26 Sec. 125.001 [~~616.001~~]. MENTAL HEALTH COURT PROGRAM
27 DEFINED. In this chapter, "mental health court program" means a

1 program that has the following essential characteristics:

2 (1) the integration of mental illness treatment
3 services and mental retardation services in the processing of cases
4 in the judicial system;

5 (2) the use of a nonadversarial approach involving
6 prosecutors and defense attorneys to promote public safety and to
7 protect the due process rights of program participants;

8 (3) early identification and prompt placement of
9 eligible participants in the program;

10 (4) access to mental illness treatment services and
11 mental retardation services;

12 (5) ongoing judicial interaction with program
13 participants;

14 (6) diversion of potentially mentally ill or mentally
15 retarded defendants to needed services as an alternative to
16 subjecting those defendants to the criminal justice system;

17 (7) monitoring and evaluation of program goals and
18 effectiveness;

19 (8) continuing interdisciplinary education to promote
20 effective program planning, implementation, and operations; and

21 (9) development of partnerships with public agencies
22 and community organizations, including local mental retardation
23 authorities.

24 Sec. 125.002 [~~616.002~~]. AUTHORITY TO ESTABLISH PROGRAM.

25 The commissioners court of a county may establish a mental health
26 court program for persons who:

27 (1) have been arrested for or charged with a

1 misdemeanor or felony; and

2 (2) are suspected by a law enforcement agency or a
3 court of having a mental illness or mental retardation.

4 Sec. 125.003 [~~616.003~~]. PROGRAM. (a) A mental health
5 court program established under Section 125.002 [~~616.002~~]:

6 (1) may handle all issues arising under Articles 16.22
7 and 17.032, Code of Criminal Procedure, and Chapter 46B, Code of
8 Criminal Procedure; and

9 (2) must:

10 (A) ensure a person eligible for the program is
11 provided legal counsel before volunteering to proceed through the
12 mental health court program and while participating in the program;

13 (B) allow a person, if eligible for the program,
14 to choose whether to proceed through the mental health court
15 program or proceed through the regular criminal justice system;

16 (C) allow a participant to withdraw from the
17 mental health court program at any time before a trial on the merits
18 has been initiated;

19 (D) provide a participant with a court-ordered
20 individualized treatment plan indicating the services that will be
21 provided to the participant; and

22 (E) ensure that the jurisdiction of the mental
23 health court extends at least six months but does not extend beyond
24 the probationary period for the offense charged if the probationary
25 period is longer than six months.

26 (b) The issues shall be handled by a magistrate, as
27 designated by Article 2.09, Code of Criminal Procedure, who is part

1 of a mental health court program established under Section 125.002
2 [~~616.002~~].

3 [~~Sec. 616.004. OVERSIGHT. (a) The lieutenant governor and~~
4 ~~the speaker of the house of representatives may assign to~~
5 ~~appropriate legislative committees duties relating to the~~
6 ~~oversight of mental health court programs established under Section~~
7 ~~616.002.~~

8 [~~(b) A legislative committee or the governor may request the~~
9 ~~state auditor to perform a management, operations, or financial or~~
10 ~~accounting audit of a mental health court program established under~~
11 ~~Section 616.002.~~]

12 Sec. 125.004 [~~616.005~~]. PARTICIPANT PAYMENT FOR TREATMENT
13 AND SERVICES. A mental health court program may require a
14 participant to pay the cost of all treatment and services received
15 while participating in the program, based on the participant's
16 ability to pay.

17 SECTION 1.07. Subsection (b), Section 509.007, Government
18 Code, is amended to read as follows:

19 (b) A community justice plan required under this section
20 must include:

21 (1) a statement of goals and priorities and of
22 commitment by the community justice council, the judges described
23 by Section 76.002 who established the department, and the
24 department director to achieve a targeted level of alternative
25 sanctions;

26 (2) a description of methods for measuring the success
27 of programs provided by the department or provided by an entity

1 served by the department;

2 (3) a proposal for the use of state jail felony
3 facilities and, at the discretion of the community justice council,
4 a regional proposal for the construction, operation, maintenance,
5 or management of a state jail felony facility by a county, a
6 community supervision and corrections department, or a private
7 vendor under a contract with a county or a community supervision and
8 corrections department;

9 (4) a description of the programs and services the
10 department provides or intends to provide, including a separate
11 description of:

12 (A) any services the department intends to
13 provide in relation to a specialty court program; and

14 (B) any programs or other services the department
15 intends to provide to enhance public safety, reduce recidivism,
16 strengthen the investigation and prosecution of criminal offenses,
17 improve programs and services available to victims of crime, and
18 increase the amount of restitution collected from persons
19 supervised by the department; and

20 (5) an outline of the department's projected
21 programmatic and budgetary needs, based on the programs and
22 services the department both provides and intends to provide.

23 SECTION 1.08. Subdivision (2), Subsection (a), Section
24 772.0061, Government Code, is amended to read as follows:

25 (2) "Specialty court" means:

26 (A) a family drug court program established under
27 Chapter 122 or former law;

1 (B) a drug court program established under
2 Chapter 123 or former law [469, Health and Safety Code];

3 (C) a veterans court program established under
4 Chapter 124 or former law; and

5 (D) [~~(B)~~] a mental health court program
6 established under Chapter 125 or former law [616, Health and Safety
7 Code, and

8 ~~[(C) a veterans court program established under~~
9 ~~Chapter 617, Health and Safety Code].~~

10 SECTION 1.09. Section 772.0061, Government Code, is amended
11 by amending Subsections (b), (c), (d), and (e) and adding
12 Subsection (j) to read as follows:

13 (b) The governor shall establish the Specialty Courts
14 Advisory Council within the criminal justice division established
15 under Section 772.006 to:

16 (1) evaluate applications for grant funding for
17 specialty courts in this state and to make funding recommendations
18 to the criminal justice division; and

19 (2) make recommendations to the criminal justice
20 division regarding best practices for specialty courts established
21 under Chapter 122, 123, 124, or 125 or former law.

22 (c) The council is composed of nine [~~seven~~] members
23 appointed by the governor as follows:

24 (1) one member with experience as the judge of a
25 specialty court described by Subsection (a)(2)(A);

26 (2) one member with experience as the judge of a
27 specialty court described by Subsection (a)(2)(B);

1 (3) one member with experience as the judge of a
2 specialty court described by Subsection (a)(2)(C);

3 (4) one member with experience as the judge of a
4 specialty court described by Subsection (a)(2)(D) [~~three members~~
5 with experience as judges of a specialty court]; and

6 (5) five [(2) ~~four~~] members who represent the public.

7 (d) The members appointed under Subsection (c)(5) [(e)(2)]
8 must:

9 (1) reside in various geographic regions of the state;
10 and

11 (2) have experience practicing law in a specialty
12 court or possess knowledge and expertise in a field relating to
13 behavioral or mental health issues or to substance abuse treatment.

14 (e) Members are appointed for staggered six-year terms,
15 with the [~~The~~] terms of [~~either two or~~] three members expiring [~~as applicable, expire~~]
16 February 1 of each odd-numbered year.

17 (j) A member of the council may not receive compensation for
18 service on the council. The member may receive reimbursement from
19 the criminal justice division for actual and necessary expenses
20 incurred in performing council functions as provided by Section
21 2110.004.

22 ARTICLE 2. CONFORMING AMENDMENTS

23 SECTION 2.01. Subsection (b), Section 18, Article 42.12,
24 Code of Criminal Procedure, is amended to read as follows:

25 (b) If a judge requires as a condition of community
26 supervision or participation in a drug court program established
27 under Chapter 123, Government [~~469, Health and Safety~~] Code, or

1 former law that the defendant serve a term in a community
2 corrections facility, the term may not be more than 24 months.

3 SECTION 2.02. Subsection (f), Article 59.062, Code of
4 Criminal Procedure, is amended to read as follows:

5 (f) A civil penalty collected under this article shall be
6 deposited to the credit of the drug court account in the general
7 revenue fund to help fund drug court programs established under
8 Chapter 122, 123, 124, or 125, Government [~~469, Health and Safety~~]
9 Code, or former law.

10 SECTION 2.03. Subsection (g), Section 102.0178, Code of
11 Criminal Procedure, is amended to read as follows:

12 (g) The comptroller shall deposit the funds received under
13 this article to the credit of the drug court account in the general
14 revenue fund to help fund drug court programs established under
15 Chapter 122, 123, 124, or 125, Government [~~469, Health and Safety~~]
16 Code, or former law. The legislature shall appropriate money from
17 the account solely to the criminal justice division of the
18 governor's office for distribution to drug court programs that
19 apply for the money.

20 SECTION 2.04. Subsection (c-1), Section 58.003, Family
21 Code, is amended to read as follows:

22 (c-1) Notwithstanding Subsections (a) and (c) and subject
23 to Subsection (b), a juvenile court may order the sealing of records
24 concerning a child adjudicated as having engaged in delinquent
25 conduct or conduct indicating a need for supervision that violated
26 a penal law of the grade of misdemeanor or felony if the child
27 successfully completed a drug court program under Chapter 123,

1 Government [~~469, Health and Safety~~] Code, or former law. The court
2 may:

3 (1) order the sealing of the records immediately and
4 without a hearing; or

5 (2) hold a hearing to determine whether to seal the
6 records.

7 SECTION 2.05. Section 54.1801, Government Code, is amended
8 to read as follows:

9 Sec. 54.1801. DEFINITION. In this subchapter, "drug court"
10 or "drug court program" has the meaning assigned by Section 123.001
11 [~~469.001, Health and Safety Code~~].

12 SECTION 2.06. Subchapter C, Chapter 71, Government Code, is
13 amended by adding Section 71.037 to read as follows:

14 Sec. 71.037. SPECIALTY COURT BEST PRACTICES. The council
15 shall review and as appropriate approve recommendations made by the
16 Specialty Courts Advisory Council under Section 772.0061(b)(2).

17 SECTION 2.07. Subsection (d), Section 76.017, Government
18 Code, is amended to read as follows:

19 (d) After a person is screened and evaluated, a
20 representative of the department shall meet with the participating
21 criminal justice and treatment agencies to review the person's case
22 and to determine if the person should be referred for treatment. If
23 a person is considered appropriate for referral, the person may be
24 referred to community-based treatment in accordance with
25 applicable law or any other treatment program deemed appropriate.
26 A magistrate may order a person to participate in a treatment
27 program recommended under this section, including treatment in a

1 drug court program established under Chapter 123 or former law
2 [~~469, Health and Safety Code~~], as a condition of bond or condition
3 of pretrial release.

4 SECTION 2.08. Section 102.021, Government Code, is amended
5 to read as follows:

6 Sec. 102.021. COURT COSTS ON CONVICTION: CODE OF CRIMINAL
7 PROCEDURE. A person convicted of an offense shall pay the following
8 under the Code of Criminal Procedure, in addition to all other
9 costs:

10 (1) court cost on conviction of any offense, other
11 than a conviction of an offense relating to a pedestrian or the
12 parking of a motor vehicle (Art. 102.0045, Code of Criminal
13 Procedure) . . . \$4;

14 (2) a fee for services of prosecutor (Art. 102.008,
15 Code of Criminal Procedure) . . . \$25;

16 (3) fees for services of peace officer:

17 (A) issuing a written notice to appear in court
18 for certain violations (Art. 102.011, Code of Criminal Procedure)
19 . . . \$5;

20 (B) executing or processing an issued arrest
21 warrant, capias, or capias pro fine (Art. 102.011, Code of Criminal
22 Procedure) . . . \$50;

23 (C) summoning a witness (Art. 102.011, Code of
24 Criminal Procedure) . . . \$5;

25 (D) serving a writ not otherwise listed (Art.
26 102.011, Code of Criminal Procedure) . . . \$35;

27 (E) taking and approving a bond and, if

1 necessary, returning the bond to courthouse (Art. 102.011, Code of
2 Criminal Procedure) . . . \$10;

3 (F) commitment or release (Art. 102.011, Code of
4 Criminal Procedure) . . . \$5;

5 (G) summoning a jury (Art. 102.011, Code of
6 Criminal Procedure) . . . \$5;

7 (H) attendance of a prisoner in habeas corpus
8 case if prisoner has been remanded to custody or held to bail (Art.
9 102.011, Code of Criminal Procedure) . . . \$8 each day;

10 (I) mileage for certain services performed (Art.
11 102.011, Code of Criminal Procedure) . . . \$0.29 per mile; and

12 (J) services of a sheriff or constable who serves
13 process and attends examining trial in certain cases (Art. 102.011,
14 Code of Criminal Procedure) . . . not to exceed \$5;

15 (4) services of a peace officer in conveying a witness
16 outside the county (Art. 102.011, Code of Criminal Procedure) . . .
17 \$10 per day or part of a day, plus actual necessary travel expenses;

18 (5) overtime of peace officer for time spent
19 testifying in the trial or traveling to or from testifying in the
20 trial (Art. 102.011, Code of Criminal Procedure) . . . actual cost;

21 (6) court costs on an offense relating to rules of the
22 road, when offense occurs within a school crossing zone (Art.
23 102.014, Code of Criminal Procedure) . . . \$25;

24 (7) court costs on an offense of passing a school bus
25 (Art. 102.014, Code of Criminal Procedure) . . . \$25;

26 (8) court costs on an offense of truancy or
27 contributing to truancy (Art. 102.014, Code of Criminal Procedure)

1 . . . \$20;

2 (9) cost for visual recording of intoxication arrest
3 before conviction (Art. 102.018, Code of Criminal Procedure) . . .
4 \$15;

5 (10) cost of certain evaluations (Art. 102.018, Code
6 of Criminal Procedure) . . . actual cost;

7 (11) additional costs attendant to certain
8 intoxication convictions under Chapter 49, Penal Code, for
9 emergency medical services, trauma facilities, and trauma care
10 systems (Art. 102.0185, Code of Criminal Procedure) . . . \$100;

11 (12) additional costs attendant to certain child
12 sexual assault and related convictions, for child abuse prevention
13 programs (Art. 102.0186, Code of Criminal Procedure) . . . \$100;

14 (13) court cost for DNA testing for certain felonies
15 (Art. 102.020(a)(1), Code of Criminal Procedure) . . . \$250;

16 (14) court cost for DNA testing for the offense of
17 public lewdness or indecent exposure (Art. 102.020(a)(2), Code of
18 Criminal Procedure) . . . \$50;

19 (15) court cost for DNA testing for certain felonies
20 (Art. 102.020(a)(3), Code of Criminal Procedure) . . . \$34;

21 (16) if required by the court, a restitution fee for
22 costs incurred in collecting restitution installments and for the
23 compensation to victims of crime fund (Art. 42.037, Code of
24 Criminal Procedure) . . . \$12;

25 (17) if directed by the justice of the peace or
26 municipal court judge hearing the case, court costs on conviction
27 in a criminal action (Art. 45.041, Code of Criminal Procedure)

1 . . . part or all of the costs as directed by the judge; and

2 (18) costs attendant to convictions under Chapter 49,
3 Penal Code, and under Chapter 481, Health and Safety Code, to help
4 fund drug court programs established under Chapter 122, 123, 124,
5 or 125, Government [~~469, Health and Safety~~] Code, or former law
6 (Art. 102.0178, Code of Criminal Procedure) . . . \$60.

7 SECTION 2.09. (a) Subchapter B, Chapter 103, Government
8 Code, is amended by adding Section 103.0271 to read as follows:

9 Sec. 103.0271. ADDITIONAL MISCELLANEOUS FEES AND COSTS:
10 GOVERNMENT CODE. Fees and costs shall be paid or collected under
11 the Government Code as follows:

12 (1) a program fee for a drug court program (Sec.
13 123.004, Government Code) . . . not to exceed \$1,000;

14 (2) an alcohol or controlled substance testing,
15 counseling, and treatment fee (Sec. 123.004, Government Code) . . .
16 the amount necessary to cover the costs of testing, counseling, and
17 treatment;

18 (3) a reasonable program fee for a veterans court
19 program (Sec. 124.005, Government Code) . . . not to exceed \$1,000;
20 and

21 (4) a testing, counseling, and treatment fee for
22 testing, counseling, or treatment performed or provided under a
23 veterans court program (Sec. 124.005, Government Code) . . . the
24 amount necessary to cover the costs of testing, counseling, or
25 treatment.

26 (b) Subchapter B, Chapter 103, Government Code, is amended
27 by adding Section 103.0292 to read as follows:

1 Sec. 103.0292. ADDITIONAL MISCELLANEOUS FEES AND COSTS:
2 HEALTH AND SAFETY CODE. A nonrefundable program fee for a first
3 offender prostitution prevention program established under Section
4 169.002, Health and Safety Code, shall be collected under Section
5 169.005, Health and Safety Code, in a reasonable amount not to
6 exceed \$1,000, which includes:

7 (1) a counseling and services fee in an amount
8 necessary to cover the costs of counseling and services provided by
9 the program;

10 (2) a victim services fee in an amount equal to 10
11 percent of the total fee; and

12 (3) a law enforcement training fee in an amount equal
13 to five percent of the total fee.

14 (c) Sections 103.029 and 103.0291, Government Code, are
15 repealed.

16 SECTION 2.10. Subsection (a), Section 493.009, Government
17 Code, is amended to read as follows:

18 (a) The department shall establish a program to confine and
19 treat:

20 (1) defendants required to participate in the program
21 under Section 14, Article 42.12, Code of Criminal Procedure; and

22 (2) individuals referred for treatment as part of a
23 drug court program established under Chapter 123 [~~469, Health and~~
24 ~~Safety Code,~~] or a similar program created under other law.

25 SECTION 2.11. Subdivision (1), Section 509.001, Government
26 Code, is amended to read as follows:

27 (1) "Community corrections facility" means a physical

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1 structure, established by the judges described by Section 76.002
2 after authorization of the establishment of the structure has been
3 included in the local community justice plan, that is operated by a
4 department or operated for a department by an entity under contract
5 with the department, for the purpose of treating persons who have
6 been placed on community supervision or who are participating in a
7 drug court program established under Chapter 123 or former law
8 [~~469, Health and Safety Code,~~] and providing services and programs
9 to modify criminal behavior, deter criminal activity, protect the
10 public, and restore victims of crime. The term includes:

- 11 (A) a restitution center;
- 12 (B) a court residential treatment facility;
- 13 (C) a substance abuse treatment facility;
- 14 (D) a custody facility or boot camp;
- 15 (E) a facility for an offender with a mental
16 impairment, as defined by Section 614.001, Health and Safety Code;
17 and
- 18 (F) an intermediate sanction facility.

19 ARTICLE 3. TRANSITION

20 SECTION 3.01. (a) Except as provided by Subsection (b) of
21 this section, the change in law made by this Act applies to a
22 specialty court as defined by Section 121.001, Government Code, as
23 added by this Act, regardless of whether that court was created
24 under Subtitle K, Title 2, Government Code, as added by this Act, or
25 former law.

26 (b) Subsection (b), Section 123.001, Government Code, as
27 redesignated and amended by this Act, applies only to an offense

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1 committed on or after the effective date of this Act. An offense
2 committed before the effective date of this Act is governed by the
3 law in effect when the offense was committed, and the former law is
4 continued in effect for that purpose. For purposes of this
5 subsection, an offense was committed before the effective date of
6 this Act if any element of the offense occurred before that date.

7 (c) Promptly after this Act takes effect, the governor shall
8 appoint two additional members to the Specialty Courts Advisory
9 Council under Section 772.0061, Government Code, as amended by this
10 Act, as follows:

11 (1) one member who has experience as a judge of a
12 specialty court, to serve a term expiring February 1, 2017; and

13 (2) one member who represents the public, to serve a
14 term expiring February 1, 2019.

15 (d) The change in law made by this Act in the qualifications
16 applying to a member of the Specialty Courts Advisory Council does
17 not affect the entitlement of a member serving on the council
18 immediately before September 1, 2013, to continue to serve and
19 function as a member of the council for the remainder of the
20 member's term. The change in law in the qualifications applies only
21 to a member appointed on or after September 1, 2013. However, as
22 the terms of the members serving immediately before September 1,
23 2013, expire or become vacant, the governor shall make additional
24 appointments to the council as necessary to comply with Section
25 772.0061, Government Code, as amended by this Act.

26 (e) To the extent of any conflict, this Act prevails over
27 another Act of the 83rd Legislature, Regular Session, 2013,

S.B. No. 462

1 relating to nonsubstantive additions to and corrections in enacted
2 codes.

3 ARTICLE 4. EFFECTIVE DATE

4 SECTION 4.01. This Act takes effect September 1, 2013._____

David Newkirk
President of the Senate

Joe Straus
Speaker of the House

I hereby certify that S.B. No. 462 passed the Senate on March 27, 2013, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendment on May 20, 2013, by the following vote: Yeas 31, Nays 0._____

Patricia Spaw
Secretary of the Senate

I hereby certify that S.B. No. 462 passed the House, with amendment, on May 16, 2013, by the following vote: Yeas 143, Nays 0, two present not voting._____

Robert Haney
Chief Clerk of the House

Approved:

14 JUNE '13
Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10 pm O'CLOCK

JUN 14 2013

[Signature]
Secretary of State