

SUBJECT: Expanding eligibility for certain drug court programs

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 9 ayes — Moody, Cook, Bhojani, Bowers, Darby, Harrison, Leach, C. Morales, Schatzline

0 nays

WITNESSES: For — Sam Medrano, El Paso County and the 409th District Court; Rosie Medina, El Paso County JPO and TASC; Zachery Pratt, Harris County Juvenile Probation Department; Larry Phillips, Texas Association of Specialty Courts (*Registered, but did not testify*: Allison Greer Francis, CHCS; Adam Haynes, Conference of Urban Counties; Rebekah Chenelle, Dallas County Commissioners Court; M Paige Williams, Dallas County Criminal District Attorney John Creuzot; Claudia Russell, Elisa M. Tamayo, El Paso County; Paul Sugg, Harris County Commissioners Court; Julie Wheeler, Travis County Commissioners Court; Susana Carranza; Colt DeMorris)

Against — None

BACKGROUND: Government Code sec. 123.001 establishes drug court programs, or programs that integrate alcohol and other drug treatment services in the processing of cases concerning an individual arrested for certain offenses involving alcohol or a controlled substance.

Sec. 123.002 specifies that an adult or a juvenile is not eligible for a drug court program for an offense or delinquent conduct in which use of alcohol or a controlled substance is suspected to have significantly contributed if the offense or conduct involved:

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

Some have suggested that expanding eligibility for drug court programs could help reduce the costs of re-arrest and incarceration and address the cycle of addiction and recidivism.

DIGEST:

HB 1394 would amend the eligibility requirements for drug court programs. The bill would remove provisions prohibiting eligibility for certain offenses involving a weapon, assault, injury, or death connected with the suspected use of alcohol or a controlled substance.

The bill would require the attorney representing the state to consent to an adult's participation in a drug court program if the person was ineligible to participate in the program because an offense connected with the suspected use of alcohol or a controlled substance involved:

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

An attorney representing the state would be required to consent to a juvenile's participation in a drug court program if the juvenile was ineligible to participate because of delinquent conduct or conduct indicating a need for supervision connected with the suspected use of alcohol or a controlled substance involving:

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

The bill would take effect September 1, 2023, and would apply to a defendant who entered a drug court program regardless of whether the offense was committed before, on, or after the effective date.