

BILL ANALYSIS

Senate Research Center

S.B. 306
By: Watson
Criminal Justice
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current statute, law enforcement and other emergency responders have few statutory provisions for addressing individuals who are publicly intoxicated, other than releasing these individuals into the care of a responsible adult or to a treatment facility for chemical dependency. However, as often times there is no responsible adult to whom to release these individuals, and as treatment centers will not often admit patients 24 hours a day for an incident of intoxication, law enforcement officers are left with few options other than either arresting and booking these individuals, or unnecessarily admitting them to emergency rooms—all in an effort to find them a safe place in which to become sober.

Concerned parties note that such actions inappropriately use up a significant amount of time and resources in the course of arrests, bookings, and unnecessary visits to the ER. While there are current facilities in existence that would help relieve pressure on these resources by providing a place for intoxicated individuals to become sober under supervision, these facilities do so tenuously under the current statutory provision that allows law enforcement to release a publically intoxicated individual to a responsible adult.

This bill would amend Section 14.031 (Public Intoxication), Code of Criminal Procedure, to provide an additional statutory option for law enforcement to take publicly intoxicated individuals, upon their verbal consent, to a facility that provides a place for these individuals to become sober under supervision, or a "sobering center." (Original Author's/Sponsor's Statement of Intent)

S.B. 306 amends current law relating to the release by a peace officer of certain individuals suspected of the offense of public intoxication.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Articles 14.031(a) and (c), Code of Criminal Procedure, as follows:

(a) Authorizes a peace officer, in lieu of arresting an individual who is not a child, as defined by Section 51.02 (Definitions), Family Code, and who commits an offense under Section 49.02 (Public Intoxication), Penal Code, to release the individual if:

(1) makes no changes to this subdivision; and

(2) the individual is released to the care of an adult who agrees to assume responsibility for the individual, verbally consents to voluntary treatment for substance use, rather than for chemical dependency, in a program in a treatment facility licensed and approved by the Health and Human Services Commission, rather than the Texas Commission on Alcohol and Drug Abuse, and the program admits the individual for treatment, or the individual verbally consents to voluntary admission to a facility that provides a place for individuals to become

sober under supervision, and the facility admits the individual for supervision.
Makes nonsubstantive changes.

(c) Prohibits the release of an individual under Subsection (a) or (b) of this article to a substance use treatment program or a facility that provides a place for individuals to become sober under supervision, rather than to an alcohol or drug treatment program, from being considered by a peace officer or magistrate in determining whether the individual should be released to such a program or facility for a subsequent incident or arrest under Section 49.02, Penal Code. Makes a conforming change.

SECTION 2. Effective date: upon passage or September 1, 2019.