

BILL ANALYSIS

S.B. 1070
By: Hinojosa
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties contend that the educational requirement for a defendant convicted of certain intoxication offenses is currently not satisfied if a defendant receives equivalent rehabilitative education while mandated to reside at a substance abuse treatment facility as a requirement of community supervision. These parties note that the education received in these facilities is often intensive, requiring cognitive behavioral chemical dependency counseling and intensive residential treatment. S.B. 1070 seeks to address this issue.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 of this bill.

ANALYSIS

S.B. 1070 amends the Code of Criminal Procedure to require a judge to waive certain educational requirements for a defendant who is required to receive treatment as a resident of a substance abuse treatment facility as a condition of community supervision if the defendant successfully completes equivalent education while the defendant is confined to the residential treatment facility. The bill requires the Department of State Health Services (DSHS) to approve equivalent education provided at substance abuse treatment facilities and requires the executive commissioner of the Health and Human Services Commission (HHSC) to adopt rules to implement these requirements. The bill requires the judge, for a defendant convicted of certain intoxication offenses, to set out in the judgment the finding that the defendant has successfully completed the equivalent education, if applicable. The bill requires the director of the residential treatment facility at which a defendant convicted of certain intoxication offenses successfully completed the equivalent education, upon release of the defendant and at the request of the court clerk, to give notice to the Department of Public Safety (DPS) for inclusion in the person's driving record.

S.B. 1070 amends the Transportation Code to authorize a person whose license is automatically suspended for certain drug offenses, as an alternative to attending an educational program that is designed to educate persons on the dangers of drug abuse, to successfully complete education on the dangers of drug abuse approved by DSHS as equivalent to that educational program while the person is a resident of a facility for the treatment of drug abuse or chemical dependency. The bill requires DPS and the executive commissioner of HHSC to jointly adopt rules for the qualification and approval of equivalent education provided in a residential treatment facility as specified by the bill and specifies provisions relating to the duties of DSHS in overseeing those

programs. The bill requires DPS to reinstate a person's license upon receipt of notice that the person successfully completed the equivalent education under the bill's provisions, if the person meets all other applicable requirements.

EFFECTIVE DATE

September 1, 2015.