

BILL ANALYSIS

Senate Research Center

H.B. 2668
By: Allen, et al. (Whitmire)
Criminal Justice
5/19/2003
Engrossed

DIGEST AND PURPOSE

H.B. 2668 establishes a model of progressive sanctions for drug offenders convicted of certain state jail felony offenses involving possession of small amounts of certain controlled substances and requires treatment for those offenders.

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 Sections 15(a) and (c), Article 42.12, Code of Criminal Procedure, as follows:

(a)(1) Requires the judge, on conviction of a state jail felony under Section 481.115(b), 481.1151(b)(1), 481.116(b), 481.121(b)(3), or 481.129(g)(1), Health and Safety Code, that is punished under Section 12.35(a), Penal Code, to suspend the imposition of the sentence and place the defendant on community supervision, unless the defendant has previously been convicted of a felony, in which event the judge may suspend the imposition of the sentence and place the defendant on community supervision or may order the sentence to be executed. Provides that the provisions of this subdivision requiring the judge to suspend the imposition of the sentence and place the defendant on community supervision do not apply to a defendant who under Section 481.1151(b)(1), Health and Safety Code, possessed more than five abuse units of the controlled substance or under Section 481.121(b)(3), Health and Safety Code, possessed more than one pound of marihuana.

(2) Makes a conforming change.

(3) Created from existing text.

(c)(1) Created from existing text.

(2) Requires a judge who places a defendant on community supervision for an offense listed in Subsection (a)(1), except as otherwise provided by Subdivision (3), to require the defendant to comply with substance abuse treatment conditions that are consistent with standards adopted by the Texas Board of Criminal Justice under Section 509.015, Government Code.

(3) Provides that a judge is not required to impose conditions described by Subdivision (2) if the judge makes an affirmative finding that the defendant does not require imposition of the conditions to successfully complete the period of community supervision.

SECTION 2. Chapter 509, Government Code, is amended by adding Section 509.015 as follows:

Sec. 509.015. TREATMENT STANDARDS FOR CERTAIN STATE JAIL FELONIES.
Requires the community justice assistance division to propose and requires the Texas Board of Criminal Justice to adopt best practices standards for substance abuse treatment conditions imposed under Section 15(c)(2), Article 42.12, Code of Criminal Procedure.

SECTION 3. Requires the Drug Demand Reduction Advisory Committee created under Chapter 461, Health and Safety Code, not later than October 1, 2003, to inform in writing each court having jurisdiction over offenses listed in Section 15(a)(1), Article 42.12, Code of Criminal Procedure, as added by this Act, and the office of each attorney representing the state charged with prosecuting certain offenses, of certain information.

SECTION 4. Effective date: September 1, 2003.
Makes application of this Act prospective.