

## **BILL ANALYSIS**

Senate Research Center  
82R9606 JSC-D

H.B. 1113  
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Criminal Justice  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The number of juveniles arrested for drug offenses has increased dramatically over the last few years. It is imperative that Texas develop innovative drug prevention education that addresses the growing numbers of both juvenile drug users and juvenile drug dealers. Recently, a Texas judge tackled this crisis head-on by creating a program that set up a court-in-school situation in which the judge and staff traveled once a month to high school classrooms throughout the county to sentence juvenile defendants who pled guilty to a drug offense. After sentencing, the defendants were provided the opportunity to address the students attending the court-in-school presentation about the dangers and consequences of the defendant's actions. The time spent addressing the students counts toward the defendant's mandatory community service term. This program has been tremendously successful, and high schools throughout that county continue to partner with the judge to participate in this program. H.B. 1113 seeks to expand the judge's program statewide in an effort to prevent future occurrences of juvenile drug use through firsthand educational experiences.

H.B. 1113 amends current law relating to the sentencing hearing or deferred adjudication hearing and conditions of community supervision for defendants convicted of certain offenses involving controlled substances.

### **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 Chapter 42, Code of Criminal Procedure, by adding Article 42.025, as follows:

Art. 42.025. SENTENCING HEARING AT SECONDARY SCHOOL. (a) Authorizes a judge to order the sentencing hearing of a defendant convicted of an offense involving possession, manufacture, or delivery of a controlled substance under Chapter 481 (Texas Controlled Substances Act), Health and Safety Code, to be held at a secondary school if:

- (1) the judge determines that the sentencing hearing would have educational value to students due to the nature of the offense and its consequences;
- (2) the defendant agrees;
- (3) the school administration agrees; and
- (4) appropriate measures are taken to ensure the safety of the students, and a fair hearing for the defendant that complies with all applicable laws and rules.

(b) Authorizes a judge to, at a secondary school, receive a plea of guilty or nolo contendere from a defendant charged with an offense described by Subsection (a)

and place the defendant on deferred adjudication under Section 5 (Deferred Adjudication; Community Supervision), Article 42.12, if:

- (1) the judge makes the determination that the proceeding would have educational value, as provided by Subsection (a)(1);
- (2) the defendant and the school agree to the location of the proceeding, as provided by Subsections (a)(2) and (3); and
- (3) appropriate measures are taken in regard to the safety of students and the rights of the defendant, as described by Subsection (a)(4).

SECTION 2. Amends Section 16, Article 42.12, Code of Criminal Procedure, by adding Subsection (g), as follows:

(g) Authorizes a judge, if the judge orders a defendant placed on community supervision for an offense involving possession, manufacture, or delivery of a controlled substance under Chapter 481, Health and Safety Code, to perform community service, to authorize the defendant to perform not more than 30 hours of community outreach under this subsection in lieu of hours of community service. Provides that community outreach under this subsection consists of working in conjunction with a secondary school at the direction of the judge to educate students on the dangers and legal consequences of possessing, manufacturing, or delivering controlled substances. Provides that a secondary school is not required to allow a defendant to perform community outreach at that school. Prohibits the judge from authorizing the defendant to perform hours of community outreach under this subsection in lieu of hours of community service if the defendant is physically or mentally incapable of participating in community outreach, or the defendant is subject to registration as a sex offender under Chapter 62 (Sex Offender Registration Program).

SECTION 3. Provides that the change in law made by this Act applies to a defendant charged with an offense involving possession, manufacture, or delivery of a controlled substance under Chapter 481, Health and Safety Code, who is sentenced or enters a plea of guilty or nolo contendere under Section 5, Article 42.12, Code of Criminal Procedure, on or after the effective date of this Act.

SECTION 4. Effective date: September 1, 2011.