

HEALTH & SAFETY CODE
CHAPTER 469. DRUG COURT PROGRAMS

Sec. 469.001. DRUG COURT PROGRAM DEFINED. In this chapter, "drug court program" means a program that has the following essential characteristics:

(1) the integration of alcohol and other drug treatment services in the processing of cases in the judicial system;

(2) the use of a nonadversarial approach involving prosecutors and defense attorneys to promote public safety and to protect the due process rights of program participants;

(3) early identification and prompt placement of eligible participants in the program;

(4) access to a continuum of alcohol, drug, and other related treatment and rehabilitative services;

(5) monitoring of abstinence through weekly alcohol and other drug testing;

(6) a coordinated strategy to govern program responses to participants' compliance;

(7) ongoing judicial interaction with program participants;

(8) monitoring and evaluation of program goals and effectiveness;

(9) continuing interdisciplinary education to promote effective program planning, implementation, and operations; and

(10) development of partnerships with public agencies and community organizations.

Added by Acts 2001, 77th Leg., ch. 1510, Sec. 1, eff. Sept. 1, 2001.

Sec. 469.002. AUTHORITY TO ESTABLISH PROGRAM. Except as provided by Section 469.006, the commissioners court of a county may establish a drug court program for persons arrested for, charged with, or convicted of:

(1) an offense in which an element of the offense is the use or possession of alcohol or the use, possession, or sale of a controlled substance, a controlled substance analogue, or marihuana; or

(2) an offense in which the use of alcohol or a controlled substance is suspected to have significantly contributed to the commission of the offense and the offense did not involve:

(A) carrying, possessing, or using a firearm or other dangerous weapon;

(B) the use of force against the person of another; or

(C) the death of or serious bodily injury to another.

Added by Acts 2001, 77th Leg., ch. 1510, Sec. 1, eff. Sept. 1, 2001.

Sec. 469.003. OVERSIGHT. (a) The lieutenant governor and the speaker of the house of representatives may assign to appropriate legislative committees duties relating to the oversight of drug court programs established under Section 469.002.

(b) A legislative committee or the governor may request the state auditor to perform a management, operations, or financial or accounting audit of a drug court program established under Section 469.002.

Added by Acts 2001, 77th Leg., ch. 1510, Sec. 1, eff. Sept. 1, 2001.

Sec. 469.004. FEES. (a) A drug court program established under Section 469.002 may collect from a participant in the program:

(1) a reasonable program fee not to exceed \$1,000, which may be paid on a periodic basis or on a deferred payment schedule at the discretion of the judge, magistrate, or program director administering the program; and

(2) a urinalysis testing and counseling fee:

(A) based on the participant's ability to pay; and

(B) in an amount necessary to cover the costs of the testing and counseling.

(b) A drug court program may require a participant to pay all treatment costs incurred while participating in the program, based on the participant's ability to pay.

Added by Acts 2001, 77th Leg., ch. 1510, Sec. 1, eff. Sept. 1, 2001.

Sec. 469.005. CRIMINAL JUSTICE POLICY COUNCIL STUDY. (a) The Criminal Justice Policy Council shall conduct a study of drug court programs in Texas and issue a report not later than January

15, 2003, to the speaker of the house of representatives, the lieutenant governor, the House Appropriations Committee, the Senate Finance Committee, the House Committee on Judicial Affairs, the Senate Committee on Jurisprudence, the House Committee on Criminal Jurisprudence, and the Senate Committee on Criminal Justice.

(b) The report shall examine the effectiveness of presently operating drug court programs and make recommendations regarding potential expansion and improvements.

(c) This section expires on June 1, 2003.

Added by Acts 2001, 77th Leg., ch. 1510, Sec. 1, eff. Sept. 1, 2001.

Sec. 469.006. PROGRAM IN CERTAIN COUNTIES MANDATORY. (a) The commissioners court of a county with a population of more than 550,000 shall establish a drug court program under Section 469.002.

(b) A drug court program required under this section to be established must have at least 100 participants during the first four months in which the program is operating.

(c) A county required under this section to establish a drug court program shall apply to the federal government for any funds available to pay the costs of the program. The criminal justice division of the governor's office may assist a county in applying for federal funds as required by this subsection, including providing financial assistance to the county.

(d) A county that does not establish a drug court program as required by this section is ineligible to receive from the state:

(1) funds for a community supervision and corrections department; and

(2) grants administered by the criminal justice division of the governor's office.

Added by Acts 2001, 77th Leg., ch. 1510, Sec. 1, eff. Sept. 1, 2001.

Sec. 469.007. USE OF OTHER DRUG AND ALCOHOL AWARENESS PROGRAMS. In addition to using a drug court program established under Section 469.002, the commissioners court of a county or a court may use other drug awareness or drug and alcohol driving awareness programs to treat persons convicted of drug or alcohol related offenses.

Added by Acts 2001, 77th Leg., ch. 1510, Sec. 1, eff. Sept. 1, 2001.