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2 **RESOLUTION NO.**

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4 **WHEREAS**, police officers in certain Texas cities have relied upon Texas
5 Code of Criminal Procedure Article 14.031 when releasing an intoxicated person to
6 a local sobering center in lieu of arresting the person; and

7 **WHEREAS**, Article 14.031 states:

8 (a) In lieu of arresting an individual who is not a child, as defined by [Section](#)
9 [51.02, Family Code](#) , and who commits an offense under Section 49.02, Penal Code,
10 a peace officer may release the individual if:

11 (1) the officer believes detention in a penal facility is unnecessary for the
12 protection of the individual or others; and

13 (2) the individual:

14 (A) is released to the care of an adult who agrees to assume responsibility for
15 the individual[.]

16 **WHEREAS**, Article 14.031 does not specifically recognize that a sobering
17 center is a “responsible person” to whom a police officer may release an intoxicated
18 person in lieu of arresting the person; and

19
20 **WHEREAS**, on September 12, 2018, the Austin Travis County Sobriety
21 Center Local Government Corporation approved a Resolution supporting legislation
22 to amend Article 14.031 of the Code of Criminal Procedure to include sobering

1 centers as facilities for the placement of intoxicated persons as an alternative to
2 incarceration; **NOW, THEREFORE,**

3 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

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5 The City of Austin supports legislative action to amend Article 14.031 of the
6 Code of Criminal Procedure to include sobering centers as facilities for the
7 placement of intoxicated persons as an alternative to incarceration.

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10 **ADOPTED:** _____, 2018 **ATTEST:** _____
11 Jannette S. Goodall
12 City Clerk