

RESOLUTION NO. 20181004-034

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

WHEREAS, Article 14.031 states:

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

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

(2) the individual:

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

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

WHEREAS, on September 12, 2018, the Austin Travis County Sobriety Center Local Government Corporation approved a Resolution supporting legislation to amend

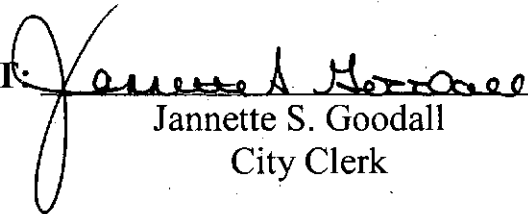
Article 14.031 of the Code of Criminal Procedure to include sobering centers as facilities for the placement of intoxicated persons as an alternative to incarceration; **NOW, THEREFORE,**

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

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

ADOPTED: October 4, 2018

ATTEST:


Jannette S. Goodall
City Clerk