

BILL ANALYSIS

Senate Research Center
81R9423 JSC-F

S.B. 1323
By: Whitmire
Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

This bill would amend the Health and Safety Code relating to the amount of surcharge assessed, under the driver responsibility laws, on a driver convicted of driving while intoxicated (DWI). This allows for more discretion in determining the amount assessed on the driver's licenses of those who have successfully completed a drug court or DWI court program. Based on successful completion and compliance with the special conditions of these programs and due to the other program fees that are charged this would allow a judge to reduce the surcharge amount by up to 80 percent. This should not have any impact on the programs that are funded through the responsible driver program is dedicated to funding, as few of these surcharges are now being collected.

As proposed, S.B. 1323 amends the Health and Safety Code relating to the amount of a surcharge assessed on conviction of certain intoxicated driver offenses on the driver's license of certain persons who complete a drug court program.

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 469, Health and Safety Code, by adding Section 469.010, as follows:

Sec. 469.010. REDUCTION IN AMOUNT OF ANNUAL SURCHARGE ON SUCCESSFUL COMPLETION OF DRUG COURT PROGRAM. (a) Authorizes a judge or magistrate administering a drug court program under this chapter to order the Department of Public Safety (DPS) to reduce the amount of the annual surcharge assessed under Section 708.102 (Surcharge for Conviction of Certain Intoxicated Driver Offenses), Transportation Code, on the license of a person finally convicted of an offense relating to the operating of a motor vehicle while intoxicated to an amount that is prohibited from being less than 20 percent of the amount specified by that section, if the judge or magistrate enters a written finding in the papers in the case indicating that the person meets certain requirements.

(b) Requires the judge or magistrate, on a timely request by the defendant, to enter the written findings under Subsection (a) and promptly send a copy of those findings to DPS accompanied by the court's order to reduce the amount of the annual surcharge assessed under Section 708.102, Transportation Code. Requires DPS to reduce the amount of the surcharge assessed to the amount specified in the court's order on receipt of a copy of the written findings under this subsection.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2009.