

BILL ANALYSIS

Senate Research Center
81R14027 JSC-D

C.S.S.B. 777
By: Ogden
Criminal Justice
3/25/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, while there is some information regarding driving under the influence (DUI) arrests and final dispositions of DUI cases collected by the Texas Department of Public Safety (DPS) and the Office of Court Administration, the information is not always reported or complete, which makes it difficult to use the collected information in a meaningful way.

C.S.S.B. 777 requires DPS to compile information received from law enforcement agencies, prosecutors, and courts involved in DUI cases under Chapter 49 (Intoxication and Alcoholic Beverage Offenses), Penal Code, and to annually report the information to the legislature, enabling the legislature to consider the effectiveness and appropriateness of criminal laws regarding DUI offenses. The bill requires the respective law enforcement agencies, prosecutors, and courts to report the relevant information to DPS.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Department of Public Safety in SECTION 1 (Section 411.049, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter D, Chapter 411, Government Code, by adding Section 411.049, as follows:

Sec. 411.049. REPORT RELATED TO CERTAIN INTOXICATION OFFENSES. (a) Requires the Department of Public Safety (DPS) to compile and maintain statistical information on the prosecution of offenses under Chapter 49 (Intoxication and Alcoholic Beverage Offenses), Penal Code, relating to the operating of a motor vehicle while intoxicated, including:

- (1) the number of arrests;
- (2) the number of arrests resulting in release with no charges;
- (3) the number of charges resulting in a plea of not guilty and trial;
- (4) the number of charges resulting in a plea of guilty or nolo contendere and, of those pleas, the number entered pursuant to a plea agreement;
- (5) the number of charges resulting in a conviction of the offense charged in the original information, indictment, complaint, or other charging instrument;
- (6) the number of charges resulting in a conviction of an offense having a lesser penalty than the offense charged in the original information, indictment, complaint, or other charging instrument; and
- (7) the number of charges resulting in a dismissal.

(b) Requires DPS to submit a report of the statistical information covering the preceding calendar year to the legislature not later than February 15 of each year.

(c) Requires each law enforcement agency that enforces Chapter 49, Penal Code, and each appropriate prosecuting attorney's office and court in this state to report in the manner and on a form prescribed by DPS the information necessary for DPS to compile the information required by Subsection (a).

(d) Authorizes DPS to adopt rules to implement this section.

SECTION 2. Requires DPS to submit the first report required by Section 411.049(b), Government Code, as added by this Act, not later than February 15, 2011.

SECTION 3. Effective date: September 1, 2009.