

## **BILL ANALYSIS**

Senate Research Center  
82R2200 JSC-D

S.B. 364  
By: Ogden  
Criminal Justice  
3/18/2011  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, some information regarding driving under the influence (DUI) arrests and final dispositions of DUI cases is collected by the Department of Public Safety of the State of Texas (DPS) and the Office of Court Administration. However, the information is not always reported or complete. As such, it is difficult to use the collected information in a meaningful way. S.B. 364 would require 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 report the information to the legislature. It would also require the respective law enforcement agencies, prosecutors, and courts to report the relevant information to DPS. This would enable the legislature to consider the effectiveness and appropriateness of criminal law regarding DUI offenses.

As proposed, S.B. 364 amends current law relating to statistical information on the prosecution of certain offenses relating to the operating of a motor vehicle while intoxicated.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Department of Public Safety of the State of Texas 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) Provides that "offense relating to the operating of a motor vehicle while intoxicated" has the meaning assigned by Section 49.09 (Enhanced Offenses and Penalties), Penal Code.

(b) Requires the Department of Public Safety of the State of Texas (DPS) to compile and maintain statistical information on the prosecution of offenses 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 a trial;
- (4) the number of charges resulting in a plea of guilty or nolo contendere;
- (5) the number of charges resulting in a conviction of the offenses charged in the original information, indictment, complaint, or other charging instrument;
- (6) the number of charges resulting in a conviction of an offense other than the offense charged in the original information, indictment, complaint, or other charging instrument; and

(7) the number of charges resulting in a dismissal.

(c) Requires each law enforcement agency that enforces Chapter 49 (Intoxication and Alcoholic Beverage Offenses), 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 (b).

(d) Requires DPS to identify law enforcement agencies, prosecuting attorney's offices, and courts required to report under Subsection (c) that fail to timely report or that report incomplete information to DPS.

(e) Requires DPS to submit to the legislature not later than February 15 of each year a report of the statistical information described in Subsection (b) compiled for the preceding calendar year. Requires that the report include a list of the law enforcement agencies, prosecuting attorney's offices, and courts identified by DPS under Subsection (d).

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

SECTION 2. Requires DPS to submit the first report required by Section 411.049(e), Government Code, as added by this Act, not later than February 15, 2013.

SECTION 3. Effective date: September 1, 2011.