

## **BILL ANALYSIS**

Senate Research Center  
78R6975 DLF-F

S.B. 1131  
By: Harris  
Health & Human Services  
3/25/2003  
As Filed

### **DIGEST AND PURPOSE**

Currently, fees collected from intoxication convictions are not used to fund certain emergency medical services, trauma facilities and trauma care systems. As proposed, S.B. 1131 creates a new fund at the Texas Department of Health's Bureau of Emergency Management for those monies collected from intoxication convictions to be used to fund emergency medical services.

### **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 Sections 773.122(a), (b), (c), (d) and (f), Health and Safety Code, as follows:

- (a) Adds "designated trauma facilities" to the list of medical entities to be funded.
- (b) Increases the reserve of money appropriated from an account for extraordinary emergencies from \$250,000 to \$500,000.
- (c) Requires that 50, rather than 70, percent of appropriated money be used to fund certain services. Requires the regional advisory council to be incorporated as an entity that is exempt from federal income tax, in order to receive a distribution under this subsection. Deletes current language relating to the distribution of money to eligible recipients for a county that is not incorporated.
- (d) Prohibits the commissioner of health from using not more than 20, rather 25, percent of the appropriated money to maintain the reserve for operation of the 22 trauma service areas and other needs. Makes conforming changes.
- (f) Increases the percent of appropriated money to fund a portion of uncompensated trauma care from two to 27 percent. Authorizes the administrator of a designated facility to request a regional advisory council chairperson to petition the Texas Department of Health (TDH) for disbursement of funds to a designated trauma facility.

SECTION 2. Amends Section 773.123, Health and Safety Code, as follows:

Sec. 773.123. New heading: CONTROL OF EXPENDITURES FROM ACCOUNT. Requires money to be used on the authorization of the executive committee of the trauma service area regional advisory council. Deletes current language relating to control of expenditures.

SECTION 3. Amends Subchapter A, Chapter 102, Code of Criminal Procedure, by adding Article 102.0185, as follows:

Art. 102.0185. ADDITIONAL COSTS ATTENDANT TO INTOXICATION CONVICTIONS: EMERGENCY MEDICAL SERVICES, TRAUMA FACILITIES, AND

TRAUMA CARE SYSTEMS. (a) Requires a person convicted of an offense under Chapter 49, Penal Code (Intoxication and Alcoholic Beverage Offenses), in addition to the costs on conviction imposed by Articles 102.016 and 102.018, to pay \$100 on conviction of the offense.

(b) Provides that costs imposed under this article are imposed without regard to whether the defendant is placed on community supervision after being convicted of the offense or receives deferred disposition or deferred adjudication for the offense.

(c) Provides that costs imposed under this article are collected in the same manner as other costs collected under Article 102.075.

(d) Requires the officer collecting the costs under this article to keep separate records of the money collected and shall pay the money to the custodian of the municipal or county treasury.

(e) Requires the custodian of the municipal or county treasury to perform certain tasks.

(f) Requires the comptroller to deposit the funds received under this article to the credit of the account established under Section 771.072(f), Health and Safety Code.

SECTION 4. (a) Makes application of Article 102.0185, Code of Criminal Procedure, as added by this Act, prospective. Provides that for purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before that date.

(b) Provides that an offense committed before the effective date of this Act is governed by the law in effect at the time the offense was committed, and the former law is continued in effect for that purpose.

SECTION 5. Effective date: September 1, 2003.