

## **BILL ANALYSIS**

C.S.H.B. 1875  
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Corrections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Texas prison populations are currently exceeding capacity and one factor contributing to overcrowding is the incarceration of Driving While Intoxicated (DWI) offenders. According to the January 2007 report, *Texas State Government Effectiveness and Efficiency*, prepared by the Legislative Budget Board, it is 78 percent less expensive to send felony DWI offenders to a DWI court than it is to incarcerate them. Not only is it less expensive, but it is often more effective, and yet few DWI courts have been established in Texas.

Additionally, judges currently lack the ability to offer incentives to encourage participation in DWI court programs. As a result, most DWI offenders opt for serving jail time rather than participating in a DWI court program.

C.S.H.B. 1875 addresses these problems by creating additional DWI courts and providing incentives to participants.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 1875 establishes drug court programs exclusively for certain intoxication offenses. This bill provides that the commissioners court of a county may establish under Chapter 469, Health and Safety Code, a drug court program exclusively for persons arrested for, charged with, or convicted of an offense involving the operation of a motor vehicle while intoxicated. Such a drug court program, established under Section 469.005, must have at least 50 participants during the first four months in which the program is operating.

This bill requires counties to employ procedures designed to ensure that a person arrested for, charged with, or convicted of a second or subsequent offense involving the operation of a motor vehicle while intoxicated participates in the county's existing drug court program if that county establishes a drug court program under Chapter 469, but does not establish a separate program exclusively for certain intoxication offenses under Section 469.005.

C.S.H.B. 1875 provides judges and magistrates with the discretion to suspend certain restrictions placed on offenders to encourage participation in drug court programs. This bill allows a judge or magistrate administering a drug court program to suspend any requirement that, as a condition of community supervision, a participant in the program work a specified number of hours at a community service project or projects. On successful completion, the judge or magistrate may then excuse the participant from those previously suspended conditions.

This bill also allows a judge or magistrate administering a drug court program under Chapter 469 to order that an occupational license be issued to a participant if the participant's driver's license has been suspended as a result of an alcohol-related or drug-related enforcement contact as defined by Section 542.001, Transportation Code, or as a result of a conviction of driving while intoxicated, intoxication assault, or intoxication manslaughter. An order issued under Section 469.009, Health and Safety Code, is subject to Sections 521.248-521.252, Transportation Code, except that any reference to a petition under Section 521.242 of that code does not apply.

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The changes made to the Health and Safety Code by this Act apply to a person who enters a drug court program under Chapter 469, Health and Safety Code, regardless of whether the person committed the offense for which they entered the program before, on, or after the effective date of this Act.

**EFFECTIVE DATE**

September 1, 2007.

**COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B. 1875 removes one of the program incentives in the original bill, a judge's ability to suspend the requirement that a participant not operate a motor vehicle unless the vehicle is equipped with an ignition interlock device. C.S.H.B. 1875 also removes changes made in the original bill regarding increasing the personal bond fee assessed to an accused and the requirements on how the fees would be collected and distributed.