

By: Martinez Fischer

H.B. No. 1799

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the appointment and duties of and the funding for an
3 executive commissioner for the prevention of driving while
4 intoxicated.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subtitle B, Title 3, Government Code, is amended
7 by adding Chapter 423 to read as follows:

8 CHAPTER 423. DRIVING WHILE INTOXICATED PREVENTION

9 Sec. 423.001. EXECUTIVE COMMISSIONER FOR PREVENTION OF
10 DRIVING WHILE INTOXICATED. (a) The executive commissioner for the
11 prevention of driving while intoxicated is a state officeholder
12 appointed by the governor with the advice and consent of the senate.

13 (b) The executive commissioner serves a two-year term that
14 expires February 1 of each odd-numbered year.

15 (c) The executive commissioner is administratively attached
16 to the governor's office.

17 (d) The executive commissioner shall:

18 (1) monitor driving while intoxicated data collected
19 in this state, including data relating to:

20 (A) driving fatalities involving intoxicated
21 drivers; and

22 (B) automatic driver's license suspensions by
23 the Texas Department of Public Safety for convictions of an offense
24 under Section 49.04 or 49.045, Penal Code, or an offense under

1 Section 49.07 or 49.08 of that code that involved the operation of a
2 motor vehicle;

3 (2) monitor other states for laws and programs that
4 have been successful in reducing the number of driving while
5 intoxicated offenses committed in those states; and

6 (3) work with the Texas Department of Transportation,
7 the Department of Public Safety, and the Department of State Health
8 Services to reduce alcoholism, recidivism, and the number of
9 intoxication offenses committed in this state.

10 (e) Not later than January 1 of each odd-numbered year the
11 executive commissioner shall submit a report to the legislature
12 that:

13 (1) describes the success of state laws and programs
14 in reducing the number of driving while intoxicated offenses; and

15 (2) recommends legislation relating to the prevention
16 of driving while intoxicated in this state.

17 (f) The executive commissioner may adopt rules as necessary
18 to implement this section.

19 Sec. 423.002. DRIVING WHILE INTOXICATED PREVENTION
20 ACCOUNT; COLLECTION OF CERTAIN FEES. (a) The driving while
21 intoxicated prevention account is an account in the general revenue
22 fund. The account consists of:

23 (1) money deposited to the credit of the account
24 derived from court costs imposed under Article 102.018(e), Code of
25 Criminal Procedure;

26 (2) money from gifts or grants from the United States,
27 regional or local governments, educational institutions, private

1 sources, or other sources; and

2 (3) interest earned on the investment of money in the
3 account and depository interest allocable to the account.

4 (b) Money in the driving while intoxicated prevention
5 account may be appropriated only for the support of the office of
6 the executive commissioner for the prevention of driving while
7 intoxicated and for programs approved by the executive commissioner
8 for the prevention of driving while intoxicated offenses in this
9 state.

10 (c) The driving while intoxicated prevention account is
11 exempt from the application of Sections 403.095 and 404.071.

12 SECTION 2. Article 102.018, Code of Criminal Procedure, is
13 amended by adding Subsection (e) to read as follows:

14 (e) On the conviction of an offense relating to the
15 operation of a motor vehicle while intoxicated, as defined by
16 Section 49.09(c)(1)(A) or (B), Penal Code, the court shall impose a
17 cost of \$10 on a defendant. A cost imposed under this subsection is
18 in addition to a cost imposed under Subsection (a), (b), or (c).
19 Each cost collected under this subsection shall be deposited to the
20 credit of the driving while intoxicated prevention account under
21 Section 423.002, Government Code.

22 SECTION 3. Section 102.021, Government Code, as amended by
23 Chapters 296, 992, and 1360, Acts of the 79th Legislature, Regular
24 Session, 2005, is amended to read as follows:

25 Sec. 102.021. COURT COSTS ON CONVICTION. A person
26 convicted of an offense shall pay, in addition to all other costs:

27 (1) court costs on conviction of a felony (Sec.

1 133.102, Local Government Code) . . . \$133;

2 (2) court costs on conviction of a Class A or Class B
3 misdemeanor (Sec. 133.102, Local Government Code) . . . \$83;

4 (3) court costs on conviction of a nonjailable
5 misdemeanor offense, including a criminal violation of a municipal
6 ordinance, other than a conviction of an offense relating to a
7 pedestrian or the parking of a motor vehicle (Sec. 133.102, Local
8 Government Code) . . . \$40;

9 (4) court costs on certain convictions in statutory
10 county courts (Sec. 51.702, Government Code) . . . \$15;

11 (5) court costs on certain convictions in certain
12 county courts (Sec. 51.703, Government Code) . . . \$15;

13 (6) a time payment fee if convicted of a felony or
14 misdemeanor for paying any part of a fine, court costs, or
15 restitution on or after the 31st day after the date on which a
16 judgment is entered assessing the fine, court costs, or restitution
17 (Sec. 133.103, Local Government Code) . . . \$25;

18 (7) a fee for services of prosecutor (Art. 102.008,
19 Code of Criminal Procedure) . . . \$25;

20 (8) fees for services of peace officer:

21 (A) issuing a written notice to appear in court
22 for certain violations (Art. 102.011, Code of Criminal Procedure)
23 . . . \$5;

24 (B) executing or processing an issued arrest
25 warrant or capias (Art. 102.011, Code of Criminal Procedure) . . .
26 \$50;

27 (C) summoning a witness (Art. 102.011, Code of

- 1 Criminal Procedure) . . . \$5;
- 2 (D) serving a writ not otherwise listed (Art.
3 102.011, Code of Criminal Procedure) . . . \$35;
- 4 (E) taking and approving a bond and, if
5 necessary, returning the bond to courthouse (Art. 102.011, Code of
6 Criminal Procedure) . . . \$10;
- 7 (F) commitment or release (Art. 102.011, Code of
8 Criminal Procedure) . . . \$5;
- 9 (G) summoning a jury (Art. 102.011, Code of
10 Criminal Procedure) . . . \$5;
- 11 (H) attendance of a prisoner in habeas corpus
12 case if prisoner has been remanded to custody or held to bail (Art.
13 102.011, Code of Criminal Procedure) . . . \$8 each day;
- 14 (I) mileage for certain services performed (Art.
15 102.011, Code of Criminal Procedure) . . . \$0.29 per mile; and
- 16 (J) services of a sheriff or constable who serves
17 process and attends examining trial in certain cases (Art. 102.011,
18 Code of Criminal Procedure) . . . not to exceed \$5;
- 19 (9) services of a peace officer in conveying a witness
20 outside the county (Art. 102.011, Code of Criminal Procedure) . . .
21 \$10 per day or part of a day, plus actual necessary travel expenses;
- 22 (10) overtime of peace officer for time spent
23 testifying in the trial or traveling to or from testifying in the
24 trial (Art. 102.011, Code of Criminal Procedure) . . . actual cost;
- 25 (11) court costs on an offense relating to rules of the
26 road, when offense occurs within a school crossing zone (Art.
27 102.014, Code of Criminal Procedure) . . . \$25;

- 1 (12) court costs on an offense of passing a school bus
2 (Art. 102.014, Code of Criminal Procedure) . . . \$25;
- 3 (13) court costs on an offense of truancy or
4 contributing to truancy (Art. 102.014, Code of Criminal Procedure)
5 . . . \$20;
- 6 (14) cost for visual recording of intoxication arrest
7 before conviction (Art. 102.018, Code of Criminal Procedure) . . .
8 \$15;
- 9 (15) cost of certain evaluations (Art. 102.018, Code
10 of Criminal Procedure) . . . actual cost;
- 11 (16) additional costs attendant to certain
12 intoxication convictions under Chapter 49, Penal Code, for
13 emergency medical services, trauma facilities, and trauma care
14 systems (Art. 102.0185, Code of Criminal Procedure) . . . \$100;
- 15 (16-a) additional costs attendant to certain child
16 sexual assault and related convictions, for child abuse prevention
17 programs (Art. 102.0186, Code of Criminal Procedure) . . . \$100;
- 18 (17) cost for DNA testing for certain felonies (Art.
19 102.020, Code of Criminal Procedure) . . . \$250;
- 20 (18) court cost on an offense of public lewdness or
21 indecent exposure (Art. 102.020, Code of Criminal Procedure) . . .
22 \$50;
- 23 (19) court cost on conviction of a misdemeanor under
24 Subtitle C, Title 7, Transportation Code (Sec. 542.403,
25 Transportation Code) . . . \$3;
- 26 (20) cost for impoundment of vehicle (Sec. 601.263,
27 Transportation Code). . . \$15 per day;

1 (21) a civil and criminal enforcement cost on
2 conviction of an offense of, or related to, the nonpayment of a toll
3 in certain counties (Sec. 284.2031, Transportation Code) . . . \$1;

4 (22) if directed by the justice of the peace or
5 municipal court judge hearing the case, court costs on conviction
6 in a criminal action (Art. 45.041, Code of Criminal Procedure) . . .
7 part or all of the costs as directed by the judge;

8 (23) [~~(22)~~] the cost of any storage, care, feeding,
9 cold storage, or processing necessary for an unlawfully taken,
10 shipped, or possessed game bird, fowl, animal, game fish, or exotic
11 animal (Sec. 12.110, Parks and Wildlife Code) . . . actual cost;
12 [~~and~~]

13 (24) [~~(22)~~] court cost on conviction of any offense,
14 other than a conviction of an offense relating to a pedestrian or
15 the parking of a motor vehicle (Art. 102.0045, Code of Criminal
16 Procedure) . . . \$4; and

17 (25) court cost on conviction of an offense relating
18 to the operation of a motor vehicle while intoxicated (Art.
19 102.018(e), Code of Criminal Procedure) . . . \$10.

20 SECTION 4. Promptly after the effective date of this Act,
21 the governor shall appoint the executive commissioner for the
22 prevention of driving while intoxicated. In appointing the
23 executive commissioner, the governor shall appoint the person to a
24 term expiring February 1, 2009.

25 SECTION 5. This Act takes effect September 1, 2007.