

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 16, 2007

TO: Honorable Jerry Madden, Chair, House Committee on Corrections

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1875 by Hochberg (Relating to the operation and funding of drug court programs.),
Committee Report 1st House, Substituted

No fiscal implication to the State is anticipated.

This bill would implement recommendations 1 and 2 in the "Rehabilitate DWI Offenders and Conserve Prison Capacity by Creating More DWI Courts," report from the Legislative Budget Board's publication, *Texas State Government Effectiveness and Efficiency: Selected Issues and Recommendations*.

Section 1 of the bill would amend Chapter 469 of the Health and Safety Code to create Section 469.005 to statutorily recognize DWI courts and apply the existing requirements for drug courts to DWI courts. Some exceptions to the requirements would apply. For example, counties with populations over 550,000 would have the option of accepting DWI offenders in their existing drug court programs or create a separate DWI court. The DWI court programs established under this section would be required to have at least 50 participants during the first four months of operation. As provided in Section 1 of the bill, all operating drug courts in counties without a separate DWI court would be required to serve DWI offenders in the drug court program.

As a way to encourage participation in the DWI court program, this bill would also amend Chapter 469 of the Health and Safety Code to create Section 469.008 to give judges or magistrates administering the program the option to suspend any requirements as a condition of community supervision as it relates to community service hours. The bill provides that upon successful completion of the DWI court program, a judge or magistrate may excuse a participant from any conditions of community supervision as they relate to community service hours.

The bill would amend Chapter 469 of the Health and Safety Code to create Section 469.009 to permit a presiding judge or magistrate of a drug court to order an occupational license as a condition of the program. An occupational license allows a participant to drive to and from designated points like work, court, and treatment meetings. Currently, under Section 521.242 of the Transportation Code, a defendant must file a separate civil petition for an occupational driver's license. Adding this provision to the Health and Safety Code would serve as an incentive to the participant who needs immediate access to a vehicle to comply with regular court appearances and drug testing, and decrease the cost and time involved in obtaining the license.

This bill could potentially result in a cost savings to the State if more offenders are diverted from prison or state jail as a result of participating in DWI courts.

Local Government Impact

The bill would require counties with populations greater than 550,000, currently nine of them, to create separate DWI courts or to expand their existing drug court programs to include DWI offenders. The option to operate as a dual drug/DWI court would allow counties with established drug courts to draw upon their existing court infrastructure to divert these offenders.

Counties have access to a biennial \$1.5 million in drug court funding available through the Criminal Justice Division of the Governor's Office, and additional grants from the Community Justice Assistance Division in the Texas Department of Criminal Justice.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 308 State Auditor's Office, 601 Department of Transportation, 696 Department of Criminal Justice

LBB Staff: JOB, ES, JI, KJG, YD