

BILL ANALYSIS

H.B. 286
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Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Texas leads the nation in the number of alcohol-related traffic deaths. According to the National Highway Traffic Safety Administration, about 40 percent of all the state's traffic fatalities are alcohol-related. It is clear that Texas needs an infrastructure for developing effective initiatives to help combat this life-threatening problem.

H.B. 286 establishes the office of executive commissioner for the prevention of driving while intoxicated to track driving while intoxicated data and coordinate efforts to address the problem of drunk driving in Texas and provides for the funding of this office.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner for the prevention of driving while intoxicated in SECTION 1 of this bill.

ANALYSIS

H.B. 286 amends the Government Code to create the office of the executive commissioner for the prevention of driving while intoxicated. The bill specifies that the executive commissioner is a state officeholder appointed by the governor with the advice and consent of the senate and is administratively attached to the governor's office. The bill provides that the executive commissioner serve a two-year term that expires February 1 of each odd-numbered year. The bill requires the executive commissioner to monitor driving while intoxicated data collected in Texas including data relating to driving fatalities involving intoxicated drivers and automatic driver's license suspensions by the Texas Department of Public Safety (DPS) for convictions of certain intoxication offenses that involve operating a motor vehicle. The bill requires the executive commissioner to monitor other states for laws and programs that have been successful in reducing the number of driving while intoxicated offenses committed in those states and to work with the Texas Department of Transportation, DPS, and the Department of State Health Services to reduce alcoholism, recidivism, and the number of intoxication offenses committed in Texas. The bill requires the executive commissioner to submit a report to the legislature not later than January 1 of each odd-numbered year that describes the success of state laws and programs in reducing the number of driving while intoxicated offenses and recommends legislation relating to the prevention of driving while intoxicated in Texas. The bill authorizes the executive commissioner to adopt rules to implement those requirements. The bill requires the governor, promptly after the effective date of the bill, to appoint the executive commissioner for the prevention of driving while intoxicated to a term expiring February 1, 2011.

H.B. 286 establishes the driving while intoxicated prevention account within the general revenue fund. The bill specifies that the account consists of money deposited to the credit of the account derived from court costs imposed on a defendant on a conviction of an offense relating to the operation of a motor vehicle while intoxicated, money from gifts or grants from the United States, regional or local governments, educational institutions, private sources, or other sources, and interest earned on the investment of the money in the account and depository interest

allocable to the account. The bill authorizes the appropriation of money in the account only for the support of the office of the executive commissioner for the prevention of driving while intoxicated and for programs for the prevention of driving while intoxicated offenses in Texas approved by the executive commissioner. The bill exempts the driving while intoxicated prevention account from state law that makes revenue dedicated for a particular purpose or entity that is estimated to exceed the amount appropriated by law available for general governmental purposes. The bill exempts the driving while intoxicated prevention account from state law regarding allocation of interest received from investments of money in funds and accounts in the charge of the comptroller of public accounts.

H.B. 286 amends the Code of Criminal Procedure to require a court, on the conviction of an offense relating to the operation of a motor vehicle while intoxicated, to impose a cost of \$10 on a defendant, in addition to a cost currently imposed for certain intoxication convictions. The bill requires each cost collected on the conviction of an offense relating to the operation of a motor vehicle while intoxicated to be deposited to the credit of the driving while intoxicated prevention account.

H.B. 286 amends Section 102.021, Government Code to conform to Chapter 1263 (H.B. 3060), Acts of the 80th Legislature, Regular Session, 2007, to include in the list of court costs that a person is required to pay on conviction and in addition to all other costs, a \$50 fee for the services of a peace officer executing or processing a capias pro fine and the \$10 court cost described above.

H.B. 286 repeals Section 102.0215, Government Code.

EFFECTIVE DATE

September 1, 2009.