

BILL ANALYSIS

C.S.H.B. 985
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Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The 80th Legislature created the memorial sign program for victims of fatal alcohol-related or substance-related vehicle accidents. Administered through the Texas Department of Transportation, the memorial sign program allows the family of a drunk driving victim to place a memorial sign at the site of the accident. This marker serves to discourage citizens from drinking and driving and is a memorial for the friends and family members of the victim.

C.S.H.B. 985 allows a judge to place the burden of the fee for the sign on the person convicted of the drunk driving charge. The judge will be able to require the drunk driver to pay a fee not to exceed \$300.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Department of Transportation in SECTION 4 of this bill.

ANALYSIS

C.S.H.B. 985 amends the Code of Criminal Procedure to require a person convicted of an offense under provisions relating to driving while intoxicated, driving while intoxicated with a child passenger, intoxication assault, or intoxication manslaughter that resulted in the death of another person to pay, in addition to other costs on conviction imposed by law, a memorial sign fee not to exceed \$300 as a court cost on conviction of the offense. The bill specifies that a person is considered convicted if a sentence is imposed on the person or the person is placed on community supervision. The bill requires a clerk of the court to collect the costs and pay them to the comptroller of public accounts for deposit to the credit of the memorial sign account established under the bill's provisions.

C.S.H.B. 985 amends the Transportation Code to create the memorial sign account as a dedicated account in the general revenue fund of the state treasury and to specify that money in the account may be appropriated only to the Texas Department of Transportation to pay costs incurred in posting memorial signs under the law relating to the memorial sign program.

C.S.H.B. 985 amends Section 102.021, Government Code, to conform to Chapter 1263 (H.B. 3060), Acts of the 80th Legislature, Regular Session, 2007, relating to the payment of a \$50 court cost for executing or processing an issued capias pro fine. The bill further amends the Government Code to add the following costs to the list of costs a person convicted of an offense is required to pay under the Code of Criminal Procedure, in addition to all other costs: as a conforming change, \$50 as a court cost attendant to convictions of intoxication and alcoholic beverage offenses in the Penal Code, and offenses under the Texas Controlled Substances Act to help fund drug court programs established under the Health and Safety Code; an amount not to exceed \$300 as a court cost attendant to conviction of certain other intoxication and alcoholic beverage offenses in the Penal Code, for the memorial sign program established under the Transportation Code.

C.S.H.B. 985 requires the Texas Department of Transportation by rule to ensure that a memorial sign posted under the memorial sign program is released at the end of the one-year posting period to the person who requested the posting, regardless of whether the person was required to submit a fee to help defray the costs of posting.

C.S.H.B. 985 repeals Section 102.0215, Government Code.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 985 removes a provision from the original that included placing a person on deferred adjudication community supervision or deferring final disposition of a case among the actions of a court under which a person would be considered convicted for purposes of the bill.