

## **BILL ANALYSIS**

C.S.H.B. 2432  
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Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

On August 31, 2005, there were nearly 120,000 pending driving while intoxicated (DWI) cases in Texas county courts. There is little incentive for a first-time DWI offender with an otherwise clean record to agree to a plea bargain because of the current surcharge associated with such an offense and the fact that there is no possibility of deferred adjudication for a first-time DWI offense. Therefore, many DWI cases are placed on trial dockets where they congest busy courts.

C.S.H.B. 2432 allows for deferred adjudication, with certain exceptions, for first-time DWI offenders and provides that an intoxication offense for which a defendant received deferred adjudication is available for enhancement purposes if the offender is convicted of a subsequent intoxication offense. The bill requires a judge to require a defendant who receives deferred adjudication for certain intoxication offenses to have an ignition interlock device installed on certain vehicles.

### **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. 2432 amends the Code of Criminal Procedure to authorize a judge to grant deferred adjudication for a defendant charged with a first offense of driving while intoxicated, driving while intoxicated with a child passenger, flying while intoxicated, boating while intoxicated, and assembling or operating an amusement ride while intoxicated, unless at the time of such an offense, the defendant held a commercial driver's license or a commercial driver learner's permit with certain exceptions.

C.S.H.B. 2432 requires a judge granting deferred adjudication to a defendant for an intoxication offense that qualifies for deferred adjudication to require the defendant to have an ignition interlock device installed on the vehicle owned by the defendant or most regularly driven by the defendant, regardless of whether the defendant would be required to have the device installed if the defendant was convicted.

C.S.H.B. 2432 amends the Penal Code to make changes conforming to the option of deferred adjudication in the specified intoxication offenses. The bill specifies that a deferred adjudication for such a specified intoxication offense is considered a conviction for purposes of enhancement of intoxication offenses and penalties or exceptional sentences.

C.S.H.B. 2432 amends the Government Code to make a conforming change to the provision entitling eligible persons to request the expunction of certain criminal history records.

## **EFFECTIVE DATE**

September 1, 2009.

## **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 2432 adds provisions not in the original authorizing a judge to grant deferred adjudication for a defendant charged with a first offense of driving while intoxicated with a child passenger or assembling or operating an amusement ride while intoxicated. The substitute adds a provision not in the original that prohibits a judge from granting deferred adjudication to a person charged with a first offense of driving while intoxicated, driving while intoxicated with a child passenger, flying while intoxicated, boating while intoxicated, or assembling or operating an amusement ride while intoxicated if, at the time of the offense, the defendant held a commercial driver's license or a commercial driver learner's permit.

C.S.H.B. 2432 differs from the original in nonsubstantive ways in the provision that requires a judge granting deferred adjudication to a defendant for an intoxication offense that qualifies for deferred adjudication to require the defendant to have an ignition interlock device installed by using language reflective of certain bill drafting conventions. The substitute adds a provision not in the original requiring the device to be installed regardless of whether the defendant would be required to have the device installed if the defendant was convicted. The substitute differs from the original by removing nonsubstantive language from the bill.