

## **BILL ANALYSIS**

S.B. 333  
By: Carona  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, no amount of driving while intoxicated (DWI) court fees and fines are retained by county courts to account for the costs of maintaining a breath alcohol testing program. The 78th Legislature, Regular Session, 2003, seeking to consolidate court fees, passed S.B. 502, which inadvertently removed the authorization needed by counties that do not use the services of a Texas Department of Public Safety technical supervisor forensic scientist, but instead employ their own certified scientist, to retain a portion of the breath alcohol fee. These scientists administer breath alcohol tests and prior to the passage of S.B. 502, the affected counties were able to retain \$22.50 of the \$30 fee assessed for DWI conviction court fees. These fees were used to help defray the costs of employing a certified scientist.

As proposed, S.B. 333 authorizes county courts that maintain their own certified breath alcohol testing programs to retain \$22.50 of the DWI court case fees and fines to help defray costs.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **ANALYSIS**

SECTION 1. Amends Article 102.016(b), Code of Criminal Procedure, to authorize the custodian of a municipal or county treasury in a county that maintains a certified breath alcohol testing program but does not use the services of a certified technical supervisor employed by the Texas Department of Public Safety, to defray the costs of maintaining and supporting a certified breath alcohol testing program, rather than a certified alcohol breath testing program, by retaining \$22.50 of each court cost collected under Section 133.102 (Consolidated Fees on Conviction), Local Government Code, rather than Article 102.075, on conviction of an offense under Chapter 49 (Intoxication and Alcoholic Beverage Offenses), Penal Code, other than an offense that is a Class C misdemeanor.

SECTION 2. (a) Makes application of this Act prospective.

(b) Authorizes the custodian of a municipal or county treasury, notwithstanding Subsection (a) of this section, to retain any amount retained under Article 102.016(b) (relating to defraying the costs of a certified breath alcohol testing program), Code of Criminal Procedure, before the effective date of this Act to maintain and support a certified breath alcohol testing program.

SECTION 3. Effective date: September 1, 2009.

### **EFFECTIVE DATE**

September 1, 2009

