

## **BILL ANALYSIS**

S.B. 777  
By: Ogden  
Public Safety  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, while there is some information regarding driving while intoxicated arrests and final dispositions of the cases collected by the Department of Public Safety and the office of court administration, the information is not always reported or complete, which makes it difficult to use the collected information in a meaningful way.

S.B. 777 requires the Department of Public Safety to compile information received from law enforcement agencies, prosecutors, and courts involved in cases regarding the operation of a motor vehicle while intoxicated and to annually report the information to the legislature, enabling the legislature to consider the effectiveness and appropriateness of criminal laws regarding those offenses. The bill requires the respective law enforcement agencies, prosecutors, and courts to report the relevant information to the department.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Department of Public Safety in SECTION 1 of this bill.

### **ANALYSIS**

S.B. 777 amends the Government Code to require the Department of Public Safety to compile and maintain statistical information on the prosecution of intoxication offenses relating to the operating of a motor vehicle while intoxicated. The bill requires the information to include the following statistics: the number of arrests; the number of arrests resulting in release with no charges; the number of charges resulting in a plea of not guilty and a trial; the number of charges resulting in a plea of guilty or nolo contendere and, of those pleas, the number entered pursuant to a plea agreement; the number of charges resulting in a conviction of the offense charged in the original information, indictment, complaint, or other charging instrument; the number of charges resulting in a conviction of an offense having a lesser penalty than the offense charged in the original information, indictment, complaint, or other charging instrument; and the number of charges resulting in a dismissal. The bill requires the department to submit a report of the statistical information covering the preceding calendar year to the legislature not later than February 15 of each year and to submit the first report not later than February 15, 2011.

S.B. 777 requires each law enforcement agency that enforces Penal Code provisions regarding intoxication and alcoholic beverage offenses, and each appropriate prosecuting attorney's office and court in Texas to report in the manner and on a form prescribed by the department the information necessary for the department to compile the statistical data on the prosecution of the applicable intoxication offenses. The bill authorizes the department to adopt rules to implement the bill's provisions.

### **EFFECTIVE DATE**

September 1, 2009.