

By: Martinez Fischer

H.B. No. 286

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the appointment and duties of and the funding for an
3 executive commissioner for the prevention of driving while
4 intoxicated.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subtitle B, Title 4, Government Code, is amended
7 by adding Chapter 423 to read as follows:

8 CHAPTER 423. DRIVING WHILE INTOXICATED PREVENTION

9 Sec. 423.001. EXECUTIVE COMMISSIONER FOR PREVENTION OF
10 DRIVING WHILE INTOXICATED. (a) The executive commissioner for the
11 prevention of driving while intoxicated is a state officeholder
12 appointed by the governor with the advice and consent of the senate.

13 (b) The executive commissioner serves a two-year term that
14 expires February 1 of each odd-numbered year.

15 (c) The executive commissioner is administratively attached
16 to the governor's office.

17 (d) The executive commissioner shall:

18 (1) monitor driving while intoxicated data collected
19 in this state, including data relating to:

20 (A) driving fatalities involving intoxicated
21 drivers; and

22 (B) automatic driver's license suspensions by
23 the Texas Department of Public Safety for convictions of an offense
24 under Section 49.04 or 49.045, Penal Code, or an offense under

1 Section 49.07 or 49.08 of that code that involved the operation of a
2 motor vehicle;

3 (2) monitor other states for laws and programs that
4 have been successful in reducing the number of driving while
5 intoxicated offenses committed in those states; and

6 (3) work with the Texas Department of Transportation,
7 the Department of Public Safety, and the Department of State Health
8 Services to reduce alcoholism, recidivism, and the number of
9 intoxication offenses committed in this state.

10 (e) Not later than January 1 of each odd-numbered year, the
11 executive commissioner shall submit a report to the legislature
12 that:

13 (1) describes the success of state laws and programs
14 in reducing the number of driving while intoxicated offenses; and

15 (2) recommends legislation relating to the prevention
16 of driving while intoxicated in this state.

17 (f) The executive commissioner may adopt rules as necessary
18 to implement this section.

19 Sec. 423.002. DRIVING WHILE INTOXICATED PREVENTION
20 ACCOUNT; COLLECTION OF CERTAIN FEES. (a) The driving while
21 intoxicated prevention account is an account in the general revenue
22 fund. The account consists of:

23 (1) money deposited to the credit of the account
24 derived from court costs imposed under Article 102.018(e), Code of
25 Criminal Procedure;

26 (2) money from gifts or grants from the United States,
27 regional or local governments, educational institutions, private

1 sources, or other sources; and

2 (3) interest earned on the investment of money in the
3 account and depository interest allocable to the account.

4 (b) Money in the driving while intoxicated prevention
5 account may be appropriated only for the support of the office of
6 the executive commissioner for the prevention of driving while
7 intoxicated and for programs approved by the executive commissioner
8 for the prevention of driving while intoxicated offenses in this
9 state.

10 (c) The driving while intoxicated prevention account is
11 exempt from the application of Sections 403.095 and 404.071.

12 SECTION 2. Article 102.018, Code of Criminal Procedure, is
13 amended by adding Subsection (e) to read as follows:

14 (e) On the conviction of an offense relating to the
15 operation of a motor vehicle while intoxicated, as defined by
16 Section 49.09(c)(1)(A) or (B), Penal Code, the court shall impose a
17 cost of \$10 on a defendant. A cost imposed under this subsection is
18 in addition to a cost imposed under Subsection (a), (b), or (c).
19 Each cost collected under this subsection shall be deposited to the
20 credit of the driving while intoxicated prevention account under
21 Section 423.002, Government Code.

22 SECTION 3. (a) Section 102.021, Government Code, is
23 amended to conform to Chapter 1263 (H.B. 3060), Acts of the 80th
24 Legislature, Regular Session, 2007, and is further amended to read
25 as follows:

26 Sec. 102.021. COURT COSTS ON CONVICTION: CODE OF CRIMINAL
27 PROCEDURE. A person convicted of an offense shall pay the following

1 under the Code of Criminal Procedure, in addition to all other
2 costs:

3 (1) court cost on conviction of any offense, other
4 than a conviction of an offense relating to a pedestrian or the
5 parking of a motor vehicle (Art. 102.0045, Code of Criminal
6 Procedure) . . . \$4;

7 (2) a fee for services of prosecutor (Art. 102.008,
8 Code of Criminal Procedure) . . . \$25;

9 (3) fees for services of peace officer:

10 (A) issuing a written notice to appear in court
11 for certain violations (Art. 102.011, Code of Criminal Procedure)
12 . . . \$5;

13 (B) executing or processing an issued arrest
14 warrant, ~~or~~ capias, or capias pro fine (Art. 102.011, Code of
15 Criminal Procedure) . . . \$50;

16 (C) summoning a witness (Art. 102.011, Code of
17 Criminal Procedure) . . . \$5;

18 (D) serving a writ not otherwise listed (Art.
19 102.011, Code of Criminal Procedure) . . . \$35;

20 (E) taking and approving a bond and, if
21 necessary, returning the bond to courthouse (Art. 102.011, Code of
22 Criminal Procedure) . . . \$10;

23 (F) commitment or release (Art. 102.011, Code of
24 Criminal Procedure) . . . \$5;

25 (G) summoning a jury (Art. 102.011, Code of
26 Criminal Procedure) . . . \$5;

27 (H) attendance of a prisoner in habeas corpus

1 case if prisoner has been remanded to custody or held to bail (Art.
2 102.011, Code of Criminal Procedure) . . . \$8 each day;

3 (I) mileage for certain services performed (Art.
4 102.011, Code of Criminal Procedure) . . . \$0.29 per mile; and

5 (J) services of a sheriff or constable who serves
6 process and attends examining trial in certain cases (Art. 102.011,
7 Code of Criminal Procedure) . . . not to exceed \$5;

8 (4) services of a peace officer in conveying a witness
9 outside the county (Art. 102.011, Code of Criminal Procedure) . . .
10 \$10 per day or part of a day, plus actual necessary travel expenses;

11 (5) overtime of peace officer for time spent
12 testifying in the trial or traveling to or from testifying in the
13 trial (Art. 102.011, Code of Criminal Procedure) . . . actual cost;

14 (6) court costs on an offense relating to rules of the
15 road, when offense occurs within a school crossing zone (Art.
16 102.014, Code of Criminal Procedure) . . . \$25;

17 (7) court costs on an offense of passing a school bus
18 (Art. 102.014, Code of Criminal Procedure) . . . \$25;

19 (8) court costs on an offense of truancy or
20 contributing to truancy (Art. 102.014, Code of Criminal Procedure)
21 . . . \$20;

22 (9) cost for visual recording of intoxication arrest
23 before conviction (Art. 102.018, Code of Criminal Procedure) . . .
24 \$15;

25 (10) cost of certain evaluations (Art. 102.018, Code
26 of Criminal Procedure) . . . actual cost;

27 (11) additional costs attendant to certain

1 intoxication convictions under Chapter 49, Penal Code, for
2 emergency medical services, trauma facilities, and trauma care
3 systems (Art. 102.0185, Code of Criminal Procedure) . . . \$100;

4 (12) additional costs attendant to certain child
5 sexual assault and related convictions, for child abuse prevention
6 programs (Art. 102.0186, Code of Criminal Procedure) . . . \$100;

7 (13) cost for DNA testing for certain felonies (Art.
8 102.020, Code of Criminal Procedure) . . . \$250;

9 (14) court cost on an offense of public lewdness or
10 indecent exposure (Art. 102.020, Code of Criminal Procedure) . . .
11 \$50;

12 (15) if required by the court, a restitution fee for
13 costs incurred in collecting restitution installments and for the
14 compensation to victims of crime fund (Art. 42.037, Code of
15 Criminal Procedure) . . . \$12; ~~and~~

16 (16) if directed by the justice of the peace or
17 municipal court judge hearing the case, court costs on conviction
18 in a criminal action (Art. 45.041, Code of Criminal Procedure)
19 . . . part or all of the costs as directed by the judge;

20 (17) costs attendant to convictions under Chapter 49,
21 Penal Code, and under Chapter 481, Health and Safety Code, to help
22 fund drug court programs established under Chapter 469, Health and
23 Safety Code (Art. 102.0178, Code of Criminal Procedure) . . . \$50;
24 and

25 (18) court cost on conviction of an offense relating
26 to the operation of a motor vehicle while intoxicated (Art.
27 102.018(e), Code of Criminal Procedure) . . . \$10.

1 (b) Section 102.0215, Government Code, is repealed.

2 SECTION 4. Promptly after the effective date of this Act,
3 the governor shall appoint the executive commissioner for the
4 prevention of driving while intoxicated. In appointing the
5 executive commissioner, the governor shall appoint the person to a
6 term expiring February 1, 2011.

7 SECTION 5. This Act takes effect September 1, 2009.