

1-1 By: Ogden S.B. No. 777
1-2 (In the Senate - Filed February 11, 2009; March 4, 2009,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 March 26, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 0; March 26, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 777 By: Ellis

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to statistical information on the prosecution of certain
1-11 offenses relating to the operating of a motor vehicle while
1-12 intoxicated.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subchapter D, Chapter 411, Government Code, is
1-15 amended by adding Section 411.049 to read as follows:

1-16 Sec. 411.049. REPORT RELATED TO CERTAIN INTOXICATION
1-17 OFFENSES. (a) The department shall compile and maintain
1-18 statistical information on the prosecution of offenses under
1-19 Chapter 49, Penal Code, relating to the operating of a motor vehicle
1-20 while intoxicated, including:

1-21 (1) the number of arrests;

1-22 (2) the number of arrests resulting in release with no
1-23 charges;

1-24 (3) the number of charges resulting in a plea of not
1-25 guilty and a trial;

1-26 (4) the number of charges resulting in a plea of guilty
1-27 or nolo contendere and, of those pleas, the number entered pursuant
1-28 to a plea agreement;

1-29 (5) the number of charges resulting in a conviction of
1-30 the offense charged in the original information, indictment,
1-31 complaint, or other charging instrument;

1-32 (6) the number of charges resulting in a conviction of
1-33 an offense having a lesser penalty than the offense charged in the
1-34 original information, indictment, complaint, or other charging
1-35 instrument; and

1-36 (7) the number of charges resulting in a dismissal.

1-37 (b) The department shall submit a report of the statistical
1-38 information covering the preceding calendar year to the legislature
1-39 not later than February 15 of each year.

1-40 (c) Each law enforcement agency that enforces Chapter 49,
1-41 Penal Code, and each appropriate prosecuting attorney's office and
1-42 court in this state shall report in the manner and on a form
1-43 prescribed by the department the information necessary for the
1-44 department to compile the information required by Subsection (a).

1-45 (d) The department may adopt rules to implement this
1-46 section.

1-47 SECTION 2. The Department of Public Safety of the State of
1-48 Texas shall submit the first report required by Subsection (b),
1-49 Section 411.049, Government Code, as added by this Act, not later
1-50 than February 15, 2011.

1-51 SECTION 3. This Act takes effect September 1, 2009.

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