

By: Whitmire

S.B. No. 1323

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the amount of a surcharge assessed on conviction of
3 certain intoxicated driver offenses on the driver's license of
4 certain persons who complete a drug court program.

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

6 SECTION 1. Chapter 469, Health and Safety Code, is amended
7 by adding Section 469.010 to read as follows:

8 Sec. 469.010. REDUCTION IN AMOUNT OF ANNUAL SURCHARGE ON
9 SUCCESSFUL COMPLETION OF DRUG COURT PROGRAM. (a) A judge or
10 magistrate administering a drug court program under this chapter
11 may order the Department of Public Safety to reduce the amount of
12 the annual surcharge assessed under Section 708.102,
13 Transportation Code, on the license of a person finally convicted
14 of an offense relating to the operating of a motor vehicle while
15 intoxicated to an amount that may not be less than 20 percent of the
16 amount specified by that section, if the judge or magistrate enters
17 a written finding in the papers in the case indicating that the
18 person:

19 (1) successfully completed a drug court program under
20 this chapter; and

21 (2) has not been arrested for an offense under Section
22 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal Code,
23 during the 180 days after the date of the program completion.

24 (b) On a timely request by the defendant, the judge or

1 magistrate shall enter the written findings under Subsection (a)
2 and promptly send a copy of those findings to the Department of
3 Public Safety accompanied by the court's order to reduce the amount
4 of the annual surcharge assessed under Section 708.102,
5 Transportation Code. On receipt of a copy of the written findings
6 under this subsection, the Department of Public Safety shall reduce
7 the amount of the surcharge assessed to the amount specified in the
8 court's order.

9 SECTION 2. The change in law made by this Act applies to a
10 person who, on or after the effective date of this Act, enters a
11 drug court program under Chapter 469, Health and Safety Code,
12 regardless of whether the person committed the offense for which
13 the person enters the program before, on, or after the effective
14 date of this Act.

15 SECTION 3. This Act takes effect September 1, 2009.