

1-1 By: Whitmire S.B. No. 1323
1-2 (In the Senate - Filed March 4, 2009; March 17, 2009, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 20, 2009, reported favorably by the following vote: Yeas 6,
1-5 Nays 1; April 20, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the amount of a surcharge assessed on conviction of
1-9 certain intoxicated driver offenses on the driver's license of
1-10 certain persons who complete a drug court program.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Chapter 469, Health and Safety Code, is amended
1-13 by adding Section 469.010 to read as follows:

1-14 Sec. 469.010. REDUCTION IN AMOUNT OF ANNUAL SURCHARGE ON
1-15 SUCCESSFUL COMPLETION OF DRUG COURT PROGRAM. (a) A judge or
1-16 magistrate administering a drug court program under this chapter
1-17 may order the Department of Public Safety to reduce the amount of
1-18 the annual surcharge assessed under Section 708.102,
1-19 Transportation Code, on the license of a person finally convicted
1-20 of an offense relating to the operating of a motor vehicle while
1-21 intoxicated to an amount that may not be less than 20 percent of the
1-22 amount specified by that section, if the judge or magistrate enters
1-23 a written finding in the papers in the case indicating that the
1-24 person:

1-25 (1) successfully completed a drug court program under
1-26 this chapter; and

1-27 (2) has not been arrested for an offense under Section
1-28 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal Code,
1-29 during the 180 days after the date of the program completion.

1-30 (b) On a timely request by the defendant, the judge or
1-31 magistrate shall enter the written findings under Subsection (a)
1-32 and promptly send a copy of those findings to the Department of
1-33 Public Safety accompanied by the court's order to reduce the amount
1-34 of the annual surcharge assessed under Section 708.102,
1-35 Transportation Code. On receipt of a copy of the written findings
1-36 under this subsection, the Department of Public Safety shall reduce
1-37 the amount of the surcharge assessed to the amount specified in the
1-38 court's order.

1-39 SECTION 2. The change in law made by this Act applies to a
1-40 person who, on or after the effective date of this Act, enters a
1-41 drug court program under Chapter 469, Health and Safety Code,
1-42 regardless of whether the person committed the offense for which
1-43 the person enters the program before, on, or after the effective
1-44 date of this Act.

1-45 SECTION 3. This Act takes effect September 1, 2009.

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