

BILL ANALYSIS

S.B. 364
By: Ogden
Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, the Department of Public Safety (DPS) and the Office of Court Administration collect certain information regarding driving under the influence (DUI) arrests and final dispositions of DUI cases. However, there is concern that the information is not always reported or complete, which makes it difficult to use the collected information in a meaningful way. S.B. 364 seeks to address this concern by requiring DPS to compile certain statistical information received from law enforcement agencies, prosecutors, and courts involved in the enforcement and prosecution of offenses relating to the operating of a motor vehicle while intoxicated and to report the information to the legislature for consideration regarding the effectiveness and appropriateness of criminal law regarding DUI offenses.

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. 364 amends the Government Code to require the Department of Public Safety (DPS) to compile and maintain statistical information on the prosecution of offenses relating to the operating of a motor vehicle while intoxicated, including the following information: 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; 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 other than the offense charged in the original information, indictment, complaint, or other charging instrument; and the number of charges resulting in a dismissal.

S.B. 364 requires each law enforcement agency that enforces Penal Code provisions relating to 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 DPS the information necessary for DPS to compile the required statistical information. The bill requires DPS to identify law enforcement agencies, prosecuting attorney's offices, and courts required to report that fail to do so timely or that report incomplete information to DPS. The bill requires DPS to submit a report to the legislature not later than February 15 of each year, with the first such report submitted not later than February 15, 2013, containing the statistical information required by the bill's provisions compiled for the preceding calendar year. The bill requires the report to include a list of the law enforcement agencies, prosecuting attorney's offices, and courts identified by DPS as failing to timely report or reporting incomplete information. The bill authorizes DPS to adopt rules to implement the bill's provisions. The bill provides for the meaning of "offense relating to the operating of a motor vehicle while intoxicated" by reference to the Penal Code.

EFFECTIVE DATE

September 1, 2011.