

BILL ANALYSIS

Senate Research Center
82R7696 JSC-F

S.B. 953
By: Whitmire
Criminal Justice
4/8/2011
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, under certain circumstances, a judge granting a person an occupational driver's license must order the person to attend an alcohol counseling program or install an ignition interlock device on a motor vehicle.

If a judge orders counseling, or an interlock device, the court is responsible for ensuring compliance with the order. Currently, there is no provision permitting a judge to order the person to abstain from the consumption or use of alcohol, dangerous drugs, or controlled substances.

S.B. 953 adds a condition permitting the judge to order alcohol and drug testing as a condition of the license; adds a provision permitting a judge to order the local community supervision and corrections department to monitor, verify, and supervise and collect a fee; and amends the provision for the contents of an occupational driver's license order to include, if ordered, that the person only operate a motor vehicle equipped with an ignition interlock device.

As proposed, S.B. 953 amends current law relating to the conditions for granting an occupational license to certain persons, the monitoring of those persons by a local community supervision and corrections department, and the fees associated with department services.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter L, Chapter 521, Transportation Code, by adding Sections 521.2461 and 521.2462, as follows:

Sec. 521.2461. TESTING FOR ALCOHOL OR CONTROLLED SUBSTANCES. Authorizes the court granting an occupational license under this subchapter to require as a condition of the license that the person submit to periodic testing for alcohol or controlled substances, to be conducted by an entity specified by the court, if the person's license has been suspended under Chapter 524 (Administrative Suspension of Driver's License for Failure to Pass Test for Intoxication) or 724 (Implied Consent) or as a result of the person's conviction of an offense involving the operation of a motor vehicle while intoxicated.

Sec. 521.2462. SUPERVISION OF PERSON ISSUED OCCUPATIONAL DRIVER'S LICENSE. (a) Authorizes the court granting an occupational license under this chapter to order the person receiving the license to:

- (1) submit to supervision by the local community supervision and corrections department (CSCD) to verify compliance with the conditions specified by the order granting the license, including the conditions specified in accordance with Section 521.248; and

(2) pay a monthly administrative fee under Section 76.015 (Administrative Fee), Government Code.

(b) Authorizes the court to order the supervision to continue until the end of the period of suspension of the person's driver's license, including any extensions of that period.

(c) Authorizes the court for good cause to modify or terminate supervision before the end of the period of license suspension.

SECTION 2. Amends Section 521.248(a), Transportation Code, as follows:

(a) Requires that an order granting an occupational license specify certain restrictions, including that the person is restricted to the operation of a motor vehicle equipped with an ignition interlock device, if applicable, and that the person must submit to the periodic testing for alcohol or controlled substances, if applicable. Makes a nonsubstantive change.

SECTION 3. Amends Section 76.015(c), Government Code, as follows:

(c) Authorizes a CSCD to assess a reasonable administrative fee of not less than \$25 and not more than \$60 per month, rather than \$40 per month, on an individual who participates in a CSCD program or receives department services and who is not paying a monthly fee under Section 19 (Fees), Article 42.12 (Community Supervision), Code of Criminal Procedure.

SECTION 4. Amends Section 103.0211, Government Code, as follows:

Sec. 103.0211. ADDITIONAL FEES AND COSTS IN CRIMINAL OR CIVIL CASES: GOVERNMENT CODE. Requires an accused, or defendant, or a party to a civil suit, as applicable to pay the certain fees and costs under the Government Code if ordered by the court or otherwise required, including an administrative fee for participation in certain community supervision programs (Sec. 76.015, Government Code). . . not less than \$25 and not more than \$60 per month, rather than \$40 per month.

SECTION 5. Makes application of Sections 521.2461 and 521.2462, Transportation Code, as added by this Act, and Section 521.248(a), Transportation Code, as amended by this Act, prospective.

SECTION 6. Effective date: September 1, 2011.