

By: Whitmire

S.B. No. 953

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the conditions for granting an occupational license to
3 certain persons, the monitoring of those persons by a local
4 community supervision and corrections department, and the fees
5 associated with department services.

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

7 SECTION 1. Subchapter L, Chapter 521, Transportation Code,
8 is amended by adding Sections 521.2461 and 521.2462 to read as
9 follows:

10 Sec. 521.2461. TESTING FOR ALCOHOL OR CONTROLLED
11 SUBSTANCES. The court granting an occupational license under this
12 subchapter may require as a condition of the license that the person
13 submit to periodic testing for alcohol or controlled substances, to
14 be conducted by an entity specified by the court, if the person's
15 license has been suspended under Chapter 524 or 724 or as a result
16 of the person's conviction of an offense involving the operation of
17 a motor vehicle while intoxicated.

18 Sec. 521.2462. SUPERVISION OF PERSON ISSUED OCCUPATIONAL
19 DRIVER'S LICENSE. (a) The court granting an occupational license
20 under this subchapter may order the person receiving the license
21 to:

22 (1) submit to supervision by the local community
23 supervision and corrections department to verify compliance with
24 the conditions specified by the order granting the license,

1 including the conditions specified in accordance with Section
2 521.248; and

3 (2) pay a monthly administrative fee under Section
4 76.015, Government Code.

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

8 (c) The court for good cause may modify or terminate
9 supervision before the end of the period of license suspension.

10 SECTION 2. Section 521.248(a), Transportation Code, is
11 amended to read as follows:

12 (a) An order granting an occupational license must specify:

13 (1) the hours of the day and days of the week during
14 which the person may operate a motor vehicle;

15 (2) the reasons for which the person may operate a
16 motor vehicle; ~~and~~

17 (3) areas or routes of travel permitted;

18 (4) that the person is restricted to the operation of a
19 motor vehicle equipped with an ignition interlock device, if
20 applicable; and

21 (5) that the person must submit to periodic testing
22 for alcohol or controlled substances, if applicable.

23 SECTION 3. Section 76.015(c), Government Code, is amended
24 to read as follows:

25 (c) A department may assess a reasonable administrative fee
26 of not less than \$25 and not more than \$60 [~~\$40~~] per month on an
27 individual who participates in a department program or receives

1 department services and who is not paying a monthly fee under
2 Section 19, Article 42.12, Code of Criminal Procedure.

3 SECTION 4. Section 103.0211, Government Code, is amended to
4 read as follows:

5 Sec. 103.0211. ADDITIONAL FEES AND COSTS IN CRIMINAL OR
6 CIVIL CASES: GOVERNMENT CODE. An accused or defendant, or a party
7 to a civil suit, as applicable, shall pay the following fees and
8 costs under the Government Code if ordered by the court or otherwise
9 required:

10 (1) a court reporter fee when testimony is taken:

11 (A) in a criminal court in Dallas County (Sec.
12 25.0593, Government Code) . . . \$3;

13 (B) in a county criminal court of appeals in
14 Dallas County (Sec. 25.0594, Government Code) . . . \$3;

15 (C) in a county court at law in McLennan County
16 (Sec. 25.1572, Government Code) . . . \$3; and

17 (D) in a county criminal court in Tarrant County
18 (Sec. 25.2223, Government Code) . . . \$3;

19 (2) a court reporter service fee if the courts have
20 official court reporters (Sec. 51.601, Government Code) . . . \$15
21 or, in specified counties, \$30;

22 (3) a speedy trial filing fee in El Paso County (Sec.
23 54.745, Government Code) . . . \$100;

24 (4) costs for use of magistrate in Brazos County (Sec.
25 54.1116, Government Code) . . . not to exceed \$50;

26 (5) the costs of a criminal magistrate if the court
27 determines that the nonprevailing party is able to defray the

1 costs:

2 (A) in Bexar County (Sec. 54.913, Government
3 Code) . . . magistrate's fees;

4 (B) in Dallas County (Sec. 54.313, Government
5 Code) . . . magistrate's fees;

6 (C) in Lubbock County (Sec. 54.883, Government
7 Code) . . . magistrate's fees;

8 (D) in Tarrant County (Sec. 54.663, Government
9 Code) . . . magistrate's fees;

10 (E) in Travis County (Sec. 54.983, Government
11 Code) . . . magistrate's fees; and

12 (F) in Williamson County (Sec. 54.958,
13 Government Code) . . . expense of the magistrate;

14 (6) an administrative fee for participation in certain
15 community supervision programs (Sec. 76.015, Government Code)
16 . . . not less than \$25 and not more than \$60 [~~\$40~~] per month; and

17 (7) fee paid on filing a petition for an order of
18 nondisclosure of criminal history record information in certain
19 cases (Sec. 411.081, Government Code) . . . \$28.

20 SECTION 5. Sections 521.2461 and 521.2462, Transportation
21 Code, as added by this Act, and Section 521.248(a), Transportation
22 Code, as amended by this Act, apply only to a person whose license
23 is suspended as a result of an offense that is committed or conduct
24 that occurs on or after the effective date of this Act. A person
25 whose license is suspended as a result of an offense that was
26 committed or conduct that occurred before the effective date of
27 this Act is covered by the law in effect when the offense was

1 committed or the conduct occurred, and the former law is continued
2 in effect for that purpose.

3 SECTION 6. This Act takes effect September 1, 2011.