

Amend HB 3815 (house committee printing) as follows:

(1) On page 1, line 12, strike "any of those offenses" and substitute "any offense relating to the operating of a motor vehicle while intoxicated".

(2) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. This Act may be cited as the Kelly Ray and Patsy Ann Carter Act.

SECTION \_\_\_\_\_. Chapter 55, Code of Criminal Procedure, is amended by adding Article 55.07 to read as follows:

Art. 55.07. REHABILITATION OF DRIVER'S LICENSE OR PERMIT PRIVILEGE. (a) A person whose driver's license or permit or whose eligibility for the issuance of a driver's license or permit is the subject of a court order issued under Section 49.09(i), Penal Code, may petition a court with jurisdiction over criminal matters for an order finding the person has been rehabilitated for purposes of restoring the person's driver's license or permit privileges if:

(1) the person has completed a driving while intoxicated rehabilitation program under Section 76.0115, Government Code; and

(2) for the five preceding years:

(A) the person has held and met all conditions for an occupational license issued under Subchapter L, Chapter 521, Transportation Code; and

(B) the person has not been convicted of an offense under Chapter 49, Penal Code, relating to the operating of a motor vehicle while intoxicated.

(b) A petitioner under this section shall provide the court with the following documentation:

(1) three letters from persons who are members of an alcohol dependence support or recovery program the petitioner regularly attends attesting to the fact the petitioner regularly attends the program;

(2) three letters from persons other than the persons described in Subdivision (1) confirming the person's abstinence from drugs and alcohol;

(3) proof that the person has completed all treatment

recommended for the person by a licensed chemical dependency counselor; and

(4) a continuing care status report for the petitioner provided by a licensed chemical dependency counselor.

(c) The court may issue an order finding the person has been rehabilitated for purposes of restoring the person's driver's license or permit privileges if the court finds the documentation provided under Subsection (b), along with any additional evidence offered by the person, constitutes credible evidence showing the person has been rehabilitated and the court finds that issuing the order under this section serves the interests of justice.

(d) A court that issues an order for a person under this section shall forward a copy of the order to the Department of Transportation.

SECTION \_\_\_\_\_. Chapter 76, Government Code, is amended by adding Section 76.0115 to read as follows:

Sec. 76.0115. DRIVING WHILE INTOXICATED REHABILITATION PROGRAM. (a) The division shall design and establish a voluntary rehabilitation program to be operated by the department for persons convicted of a fifth or subsequent offense relating to the operating of a motor vehicle while intoxicated and subject to a court order under Section 49.09(i), Penal Code, who volunteer to participate in the program.

(b) The division shall design the program to include extensive classroom instruction and the provision of services intended to rehabilitate persons with a history of driving while intoxicated offenses and alcohol dependence, including the provision of alcohol dependence counseling from a licensed chemical dependency counselor.

(c) The program must take a participant not fewer than six months to complete.

(d) The department shall issue a certificate of completion to a person who satisfactorily completes a rehabilitation program under this section that indicates the date on which the person completed the program.

(3) On page 4, line 19, between "order" and the underlined period, insert "or until a court issues an order under Article

55.07, Code of Criminal Procedure, rehabilitating the person's privilege to operate a motor vehicle".

(4) On page 5, line 5, strike "nine" and substitute "12".

(5) On page 5, line 6, after the underlined period, insert the following: This subsection does not apply to a person for whom a court issues an order under Article 55.07, Code of Criminal Procedure, rehabilitating the person's privilege to operate a motor vehicle.

(6) On page 5, line 7, strike "521.344(a) and (b)" and substitute "521.344".

(7) On page 5, line 8, strike "are amended" and substitute "is amended by amending Subsections (a) and (b) and by adding Subsection (j)"

(8) On page 5, line 10, strike "(d)-(i)" and substitute "(d)-(j) [~~(d)~~]

(9) On page 6, on lines 5 and 22, following "Penal Code", insert ", except as otherwise provided by Subsection (j)".

(10) On page 6, between lines 22 and 23, insert the following:

(j) The license suspension for a person whose driver's license or permit is the subject of a court order issued under Section 49.09(i), Penal Code, expires and the department may issue a license to the person on or after the date the department receives:

(1) a copy of an order finding the person has been rehabilitated for purposes of restoring the person's driver's license or permit privileges issued by a court under Article 55.07, Code of Criminal Procedure; and

(2) a copy of the certification issued to the person under Section 76.0115(d), Government Code, that indicates the person completed the rehabilitation program under that section within 12 month period before the date the person provides the copy to the department under this subsection.