

Amend the Carter amendment to HB 3815 (house committee printing) by striking the original amendment and replacing it with the following:

(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 that:

(A) includes the provision of alcohol dependence counseling from a licensed chemical dependency counselor;

(B) takes not fewer than six months to complete;
and

(C) issues a certificate of completion to a person who satisfactorily completes the program and indicates the date on which the person completed the program;

(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 Public Safety.

(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

adding Subsection (j)"

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

(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 by the driving while intoxicated rehabilitation program required under Article 55.07(a)(1), Code of Criminal Procedure, 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.