

BILL ANALYSIS

H.B. 1245
By: Wray
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, interested parties note, felony driving while intoxicated (DWI) offenders are eligible for parole or mandatory supervision after serving one-fourth of their sentence as they are not considered violent offenders. Interested parties assert that the law in its current form does not sufficiently deter repeat offenders from committing a DWI offense, resulting in an increased risk to public safety. It is suggested that increasing the minimum time served by DWI offenders before eligibility for release on parole or mandatory supervision could reduce recidivism. Concerned parties also recognize that sentencing is only one component of criminal reform and suggest the benefit a biennial study regarding intoxication offense prevention. H.B. 1245 seeks to address these issues.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1245 amends the Government Code to require the office of the governor to conduct a biennial study on intoxication offenses in Texas that monitors and analyzes the following: the efficacy of restrictions on eligibility for release on parole or to mandatory supervision for persons convicted of certain intoxication offenses in deterring or preventing future intoxication offenses; data collected in Texas on offenses relating to the operating of a motor vehicle while intoxicated; the laws and programs of other states that have been successful in reducing the occurrence of offenses relating to the operating of a motor vehicle while intoxicated; and the impact on public safety of repeat and habitual offenders and intoxication offenses causing serious bodily injury or death.

H.B. 1245 requires the office of the governor, based on the studies, to collaborate with the Texas Department of Transportation, the Department of Public Safety, and the Department of State Health Services to reduce alcoholism and recidivism and the number of driving while intoxicated offenses committed in Texas. The bill requires the office of the governor to submit a report to the legislature, not later than January 1 of each odd-numbered year, that describes the total number of sentences imposed of 25 years or more for an intoxication offense, describes the success of state laws and programs in reducing the occurrence of offenses relating to the operating of a motor vehicle while intoxicated, analyzes the efficacy of restrictions on eligibility for release on parole or to mandatory supervision for persons convicted of certain intoxication offenses in

detering or preventing future intoxication offenses, and recommends legislation relating to the prevention of intoxication offenses in Texas.

H.B. 1245 makes an inmate serving a sentence of 25 years or more for an intoxication or alcoholic beverage offense ineligible for release on parole until the inmate's actual calendar time served, without consideration of good conduct time, equals one-half of the sentence or 30 calendar years, whichever is less. The bill prohibits the release to mandatory supervision of an inmate who is serving a sentence for or who has been previously convicted of an intoxication or alcoholic beverage offense for which the inmate received a sentence of 25 years or more.

EFFECTIVE DATE

September 1, 2015.