

SUBJECT: Requiring DPS to compile yearly report on DWI arrests and convictions

COMMITTEE: Homeland Security and Public Safety — favorable, without amendment

VOTE: 6 ayes — S. Miller, Fletcher, Beck, Flynn, Mallory Caraway, Walle

0 nays

3 absent — Burnam, Driver, Peña

SENATE VOTE: On final passage, March 31 — 31-0

WITNESSES: None

BACKGROUND: Penal Code, secs. 49.04, 49.045, 49.07, and 49.08, criminalize driving while intoxicated, driving while intoxicated with a child passenger, intoxication assault, and intoxication manslaughter, respectively.

DIGEST: SB 364 would require the Department of Public Safety (DPS) to compile a yearly report on the number of arrests and prosecutions related to driving while intoxicated (DWI) by February 15 of each year, beginning on February 15, 2013.

The DPS report would have to include data on the number of:

- DWI arrests;
- arrests resulting in release with no charges;
- charges resulting in a plea of not guilty and a trial;
- charges resulting in a plea of guilty or nolo contendere;
- charges resulting in a conviction of an offense named in the original information, indictment, complaint, or other charging instrument;
- charges resulting in a conviction of an offense other than the one charged in the original information, indictment, complaint, or other charging instrument; and
- charges resulting in a dismissal.

SB 364 would require law enforcement agencies, prosecutors, and courts to submit information to DPS for the report on a DPS-prescribed form. The DWI arrest and conviction report would have to cover the preceding calendar year and list the law enforcement agencies, prosecutors, and courts that failed to make timely reports or submitted incomplete information.

The bill would take effect on September 1, 2011.

**SUPPORTERS
SAY:**

SB 364 would end the current dearth of information on the final disposition of DWI cases and provide data to legislators to evaluate the success or failure of current policies. Anecdotal evidence indicates that treatment of DWI offenders varies by county. Findings in the Senate Criminal Justice Committee's December 2010 interim report show that the number of DWI convictions has declined since 2005 even as the number of arrests remained stable or even increased. Having complete and reliable data as required by SB 364 would cast sunshine on how different jurisdictions enforce the law. The Legislature needs to know about the effectiveness of existing laws before deciding whether to enact new statutes.

SB 364 would not be a burden to local governments. Law enforcement agencies, prosecutors, and courts in counties of all sizes must already must collect and compile information for their own use and for other agencies.

**OPPONENTS
SAY:**

SB 364 would be just another unfunded mandate for cities, counties, and courts. The accumulation of new tasks with only “insignificant costs” to local governments becomes costly for local governments also struggling with their own budget woes.