

BILL ANALYSIS

Senate Research Center
85R2873 AJZ-D

S.B. 599
By: Burton
Transportation
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current statute authorizes a commissioners court to establish a drug court program exclusively for certain intoxication offenses (see Section 123.005, Government Code), commonly referred to as DWI court programs. Individuals participating in these programs are typically repeat DWI offenders who are subject to intensive judicial monitoring, mandatory treatment, rigorous probation requirements, and frequent testing for drug/alcohol use.

National statistics indicate individuals who successfully complete DWI court programs have substantially lower recidivism rates compared to individuals sentenced to incarceration. For example, Tarrant County's Felony Alcohol Intervention Program participants have a two percent re-arrest rate. Additionally, the daily supervision cost for a DWI court program is approximately \$3 per day versus in-prison incarceration of \$54.89 per day. In short, DWI court programs are an effective alternative to incarceration while substantially saving taxpayer dollars at the state and local levels.

S.B. 599 amends Section 708.160, Subchapter D, Chapter 708, Transportation Code, to provide judges supervising DWI court programs with the judicial discretion to defer the Driver Responsibility Program surcharge during the individual's participation in the program and reduce or waive the surcharge fee for individuals successfully completing a DWI court program.

"Practitioners throughout the state indicated Driving While Intoxicated (DWI) offenders particularly preferred to serve county jail time instead of community supervision placement. Most agreed this phenomenon was logical because DWI penalties provide little incentive for offenders to choose community supervision over a short county jail sentence in a plea bargain. The Driver Responsibility Program (DRP) was specifically mentioned as a deterrent to community supervision because many offenders are required to pay DRP surcharges and would not be able to afford both the DPS surcharges and community supervision fees and prefer to serve their sentence in the county jail instead...Practitioners indicated the most effective method to make community supervision a more attractive option was to provide offenders incentives. Some of the incentives mentioned were...allowing offenders who elect community supervision and treatment full or partial exemptions from DRP surcharges." •

According to the Office of the Governor's Criminal Justice Division, 20 DWI courts were operating in Texas with a total number of 335 graduating a DWI court program in 2014. In addition, there are 14 drug courts that also accept DWI cases. The change in statute is necessary to increase the number of individuals participating in DWI court programs as an effective, cost saving alternative to incarceration. The reduction or waiver of the Driver Responsibility Program surcharge would be limited to those offenders successfully completing a DWI or drug court program and would encourage participation in these life-changing programs.

As proposed, S.B. 599 amends current law relating to the deferral and reduction or waiver of certain surcharges assessed under the driver responsibility program.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter D, Chapter 708, Transportation Code, by adding Section 708.160, as follows:

Sec. 708.160. DEFERRAL AND REDUCTION OR WAIVER OF CERTAIN SURCHARGES. Authorizes a court to defer surcharges assessed under this chapter against a person who is participating in a drug court program under Chapter 123 (Drug Court Programs), Government Code, for the underlying offense giving rise to the surcharge. Authorizes the court to reduce or waive the surcharges assessed against a person if the person successfully completes the drug court program.

SECTION 2. Provides that the change in law made by this Act applies to a surcharge pending on the effective date of this Act, regardless of when the surcharge was assessed.

SECTION 3. Effective date: September 1, 2017.