

By: Martinez Fischer

H.B. No. 24

Substitute the following for H.B. No. 24:

By: Pickett

C.S.H.B. No. 24

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the appointment and duties of and the funding for a  
3 policy director for the prevention of driving while intoxicated;  
4 imposing a fee.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subtitle B, Title 4, Government Code, is amended  
7 by adding Chapter 423 to read as follows:

8 CHAPTER 423. DRIVING WHILE INTOXICATED PREVENTION

9 Sec. 423.001. DEFINITION. In this chapter, "offense  
10 relating to the operating of a motor vehicle while intoxicated" has  
11 the meaning assigned by Section 49.09(c), Penal Code.

12 Sec. 423.002. OFFICE OF POLICY DIRECTOR FOR PREVENTION OF  
13 DRIVING WHILE INTOXICATED. (a) The policy director for the  
14 prevention of driving while intoxicated is a state officeholder  
15 appointed by the governor with the advice and consent of the senate.

16 (b) The policy director serves a two-year term that expires  
17 September 1 of each odd-numbered year.

18 (c) The policy director is administratively attached to the  
19 governor's office.

20 (d) The policy director shall:

21 (1) monitor driving while intoxicated data collected  
22 in this state, including data relating to:

23 (A) driving fatalities involving intoxicated  
24 drivers; and

1           (B) automatic driver's license suspensions by  
2 the Department of Public Safety for convictions of an offense  
3 relating to the operating of a motor vehicle while intoxicated;

4           (2) monitor other states for laws and programs that  
5 have been successful in reducing the occurrence of offenses  
6 relating to the operating of a motor vehicle while intoxicated; and

7           (3) work with the Texas Department of Transportation,  
8 the Department of Public Safety, and the Department of State Health  
9 Services to reduce alcoholism, recidivism, and the occurrence of  
10 offenses relating to the operating of a motor vehicle while  
11 intoxicated in this state.

12           (e) Not later than January 1 of each odd-numbered year, the  
13 policy director shall submit a report to the legislature that:

14           (1) describes the success of state laws and programs  
15 in reducing the occurrence of offenses relating to the operating of  
16 a motor vehicle while intoxicated; and

17           (2) recommends legislation relating to the prevention  
18 of those offenses in this state.

19           (f) The policy director may adopt rules necessary to  
20 implement this section.

21           Sec. 423.003. DRIVING WHILE INTOXICATED PREVENTION  
22 ACCOUNT; COLLECTION OF CERTAIN FEES. (a) The driving while  
23 intoxicated prevention account is an account in the general revenue  
24 fund. The account consists of:

25           (1) money deposited to the credit of the account  
26 derived from court costs imposed under Article 102.018(e), Code of  
27 Criminal Procedure;

1           (2) money from gifts or grants from any source,  
2 including the United States, regional or local governments,  
3 educational institutions, or private sources; and

4           (3) interest earned on the investment of money in the  
5 account and depository interest allocable to the account.

6           (b) Money in the driving while intoxicated prevention  
7 account may be appropriated only for the support of the office of  
8 the policy director for the prevention of driving while intoxicated  
9 and for programs approved by the policy director for the prevention  
10 of offenses relating to the operating of a motor vehicle while  
11 intoxicated in this state.

12           (c) The driving while intoxicated prevention account is  
13 exempt from the application of Section 403.095. Interest earned on  
14 money in the account shall be credited to the account.

15           Sec. 423.004. SUNSET PROVISION. The office of the policy  
16 director for the prevention of driving while intoxicated is subject  
17 to Chapter 325 (Texas Sunset Act) as if it were a state agency.  
18 Unless continued in existence as provided by that chapter, the  
19 position is abolished and this chapter expires September 1, 2015.

20           SECTION 2. Article 102.018, Code of Criminal Procedure, is  
21 amended by adding Subsection (e) to read as follows:

22           (e) On the conviction of an offense relating to the  
23 operating of a motor vehicle while intoxicated, as defined by  
24 Section 49.09(c)(1)(A) or (B), Penal Code, the court shall impose a  
25 cost of \$10 on a defendant. A cost imposed under this subsection is  
26 in addition to a cost imposed under Subsection (a), (b), or (c).  
27 Each cost collected under this subsection shall be deposited to the

1 credit of the driving while intoxicated prevention account under  
2 Section 423.003, Government Code.

3 SECTION 3. Subchapter B, Chapter 102, Government Code, is  
4 amended by adding Section 102.0215 to read as follows:

5 Sec. 102.0215. ADDITIONAL COURT COSTS: CODE OF CRIMINAL  
6 PROCEDURE. A defendant who is convicted of an offense relating to  
7 the operating of a motor vehicle while intoxicated shall pay a cost  
8 on conviction, in addition to all other costs, to help fund the  
9 prevention of driving while intoxicated under Chapter 423,  
10 Government Code (Art. 102.018(e), Code of Criminal Procedure) . . .  
11 \$10.

12 SECTION 4. Promptly after the effective date of this Act,  
13 the governor shall appoint the policy director for the prevention  
14 of driving while intoxicated. In appointing the policy director,  
15 the governor shall appoint the person to a term expiring September  
16 1, 2015.

17 SECTION 5. Article 102.018(e), Code of Criminal Procedure,  
18 as added by this Act, applies only to a cost on conviction for an  
19 offense committed on or after the effective date of this Act. An  
20 offense committed before the effective date of this Act is covered  
21 by the law in effect when the offense was committed, and the former  
22 law is continued in effect for that purpose. For purposes of this  
23 section, an offense was committed before the effective date of this  
24 Act if any element of the offense was committed before that date.

25 SECTION 6. This Act takes effect September 1, 2013.