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WRITTEN TESTIMONY, 2011  
C.S.S.B. 1531

Dear Members of the Committee,

Thank you for allowing me the opportunity to present testimony in favor of C.S.S.B. 1531. The Texas Criminal Justice Coalition supports this bill because it will assist judges in their efforts to fight alcoholism, encourage personal responsibility, and save lives.

### PROBLEM

A first-time Driving While Intoxicated (DWI) offense is a Class B misdemeanor carrying a maximum fine of \$2,000. Individuals convicted of a first-time DWI offense are also required to pay a Driver Responsibility Program (DRP) surcharge of \$1,000 per year for three years as a condition of maintaining their drivers' licenses.<sup>1</sup> Furthermore, these individuals may be required to pay for court costs, random alcohol and drug testing, and other related costs.

The tremendous financial constraints placed upon individuals with DWI convictions often lead to their failure to pay required fines and surcharges, which in turn results in license suspension – making it exceedingly difficult for individuals to maintain employment or buy insurance. In fact, Texas' rate of uninsured drivers remains one of the highest in the nation at 22%,<sup>2</sup> making roads *less* safe.

To address the root causes of criminal behavior and better protect public safety, judges should be permitted to waive DRP surcharges upon the successful completion of a drug court program or drug/alcohol treatment program by a person with a first-time DWI conviction.

### KEY FINDINGS

- **Treatment and supervision are more effective than incarceration.** Incarceration results in significantly greater levels of re-offending than treatment and other risk-reduction alternatives, which are proven to be more cost-efficient,<sup>3</sup> as well as programmatically effective. Specifically, treatment combined with cognitive skills programming can decrease criminal behavior by 44%, while incarceration can increase an individual's inclination towards criminal activity by .07%.<sup>4</sup>
- **DWI courts reduce recidivism and increase public safety.** Today, there are more than 2,000 drug courts operating throughout the United States, Puerto Rico, and Guam to address addiction issues.<sup>5</sup> These courts include specialized programs – such as DWI courts – which follow the drug court model. More specifically, DWI courts are designed to address the underlying alcohol problems of individuals with multiple DWI offenses. They guide individuals into treatment to reduce their drug and/or alcohol dependence and, in turn, improve the quality of life for them and their families.<sup>6</sup>

Studies show that DWI court participants spend more time in treatment, have reduced levels of substance abuse, and are re-arrested significantly less often than comparable non-participants sentenced to traditional probation.<sup>7</sup> In fact, recidivism rates among DWI court participants are about 65% lower than similarly situated non-participants.<sup>8</sup> DWI courts use “judicial oversight to provide continuous, intensive treatment; mandatory periodic alcohol and drug testing; and the use of graduated sanctions and other rehabilitative services” to maintain program retention rates of 79% and, in some instances, recidivism rates as low as 9%.<sup>9</sup>

*Continued on reverse.*

## SOLUTION: SUPPORT C.S.S.B. 1531 BY SENATOR HINOJOSA

- **Create incentives for judges to encourage participation in drug court programs and other drug/alcohol treatment programs.** C.S.S.B. 1531 would authorize judges to waive the surcharge currently imposed on an individual's driver's license for a DWI conviction if that defendant successfully completes a drug or alcohol treatment program.

In addition to incentivizing participation in supervised treatment programs, C.S.S.B. 1531 will ultimately allow participants to reinstate their driver's licenses sooner. This will ensure they can obtain car insurance, as well as have the necessary documentation to obtain employment and housing, open a bank account, comply with mandatory supervision terms, and address many other basic needs.

- **Promote public safety.** Judges are able to monitor the recovery progress of individuals who participate in a drug court or treatment program, but they quickly lose track of non-participants. When more individuals participate in these worthwhile programs and address the root cause of their alcoholism and related crime, our communities and families benefit, and there are less victims of DWI in the future.

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<sup>1</sup> Texas Transportation Code §708.102.

<sup>2</sup> Enrique Rangel, "Uninsured drivers in Texas: Millions not covered," *Amarillo Globe News*, January 3, 2010.

<sup>3</sup> According to data from the Legislative Budget Board's "Criminal Justice Uniform Cost Report: Fiscal Years 2008-2010," community supervision along with drug treatment programs cost the state an average of \$3,227 annually; pgs. 11, 12, using FY 2010 per-day community supervision costs of \$1.30 and per-day outpatient treatment costs of \$7.54. Incarceration in a county jail averages \$16,425 annually, using \$45 average daily jail costs; from Brandon Wood, Assistant Director, Texas Commission on Jail Standards, in email correspondence to Molly Totman, Texas Criminal Justice Coalition, December 17, 2009. **This makes treatment and supervision more than 5 times less costly than incarceration.**

<sup>4</sup> Judge Marion F. Edwards, "Reduce Recidivism in DUI Offenders: Add a Cognitive-Behavioral Program Component," 2006, pg. 3.

<sup>5</sup> Office of National Drug Control Policy, *Drug Courts*, 2008; <http://www.whitehousedrugpolicy.gov/enforce/drugcourt.html>.

<sup>6</sup> Emily Taylor, et al., "Michigan DUI Courts Outcome Evaluation: Final Report," Michigan Supreme Court and NPC Research, March 2008, pg. I.

<sup>7</sup> *Ibid.*, pgs. II, IV, V.

<sup>8</sup> James C. Fell, A. Scott Tippetts, and Elizabeth A. Langston, "An Evaluation of Three Georgia DUI Courts," March 2011, pg. 3.

<sup>9</sup> *Ibid.*, pgs. 1, 3.