



IMPAIRED DRIVING

Task Force Newsletter



Save a Life™
Texas Department of Transportation

At the February 23, 2023 meeting of the Texas Impaired Driving Task Force, the Executive Committee provided the following updates.

Judiciary

[Senate Bill 181](#) went into effect February 25, 2023 after a series of conditions were met. Previously, under Section 521.372 of the Transportation Code, a person's driver's license was automatically suspended for at least six months upon conviction of an offense under the Controlled Substance Act or a drug offense. SB 181 ends these mandatory suspensions in Texas by amending the Code of Criminal Procedure and the Transportation



Code. The bill adds Article 102.0179 to the Code of Criminal Procedure, which imposes a new \$100 fine on defendants who are convicted of drug offenses but whose licenses are not suspended. Section 521.372 of the Transportation Code is amended to only require driver's license suspensions for individuals convicted of felony drug offenses or two or more misdemeanor drug offenses in a three-year period. SB 181 also adds Section 521.372(b-1) to the Transportation Code, which gives judges the discretion to suspend a defendant's driver's license for a first misdemeanor drug offense if doing so is in the interest of public safety. Finally, SB 181 provides that licenses currently suspended under Section 521.372 of the Transportation Code shall be reinstated three months after the United States Secretary of Transportation informs Texas that



federal highway funds will not be withheld, if such a decision is made.

The March "Noontime Knowledge" with Judge Weiser covered changes in license suspension for marijuana and controlled substance and imposition of a fine in lieu of suspension included in SB 181 of the 87th legislative session. For the latest updates on DWI topics for Texas Judges, view The DWI Newsletter [here](#).

Newsletter Additions

If you would you like to add anything to the next edition of the newsletter, please send your information to c-adams@tti.tamu.edu or e-shields@tti.tamu.edu.



The 3rd quarterly meeting of the Texas Impaired Driving Task will be held:

**Thursday,
April 27, 2023**

Norris Conference Center
2525 W Anderson Ln. #365
Austin, TX 78757





Continued: Executive Committee 2023 Updates



Impaired Driving Enforcement Training and Detection

There are currently 335 DREs in Texas. There have been 66 new DREs certified since January 1, 2022 and 28 DRE candidates are pending certification. The Texas DRE Program will continue to deploy limited resources to high need communities based on total DWI fatalities and serious injuries by county.

A list of upcoming law enforcement trainings can be found below in the event section.

Impaired Driving Database

The Law Enforcement Advanced Data Reporting System (LEADRS) is an online data reporting system that streamlines the DWI report writing process for officers in the field by reducing the amount of redundant data. LEADRS tracks DWI citations from start to finish (arrest through adjudication). The Texas Impaired Driving Assessment recommendations calls for LEADRS to be expanded in an effort to develop a Statewide DWI Tracking System.

The Executive Committee voted to consider LEADRS as a foundational component for a Texas DWI Tracking Database.

Forensic Testing

The Texas Department of Public Safety – Crime Laboratory has named 2023 the “Year of Toxicology”! There are several project initiatives designed to improve the toxicology program by increasing the capacity and efficiency of the lab(s). The Case Outreach Project prioritizes cases and ages older cases out of the workload. The Texas Department of Public Safety – Crime Laboratory is reaching out to departments with cases older than six months to see if testing is still needed. By doing so, 150 cases have been closed so far this year.

Retail Enforcement and Education

The Texas Alcohol Beverage Commission (TABC) manages a program called Target Responsibility for Alcohol-Connected Emergencies (TRACE). TRACE is a law enforcement operation that investigates the source of alcohol service when crimes involve serious injury or death. These crimes can include motor vehicle crashes, homicides, sexual assaults, or other crimes where alcohol was a contributing factor.

Local law enforcement needs to call TRACE (833-TABC-LAW) to get them involved in a case. There is a hotline monitored 24/7, manned by the Texas Parks and Wildlife Department (TPWD). The dispatcher will contact TABC, investigators who are notified by supervisors and are deployed to scene.



Photo credit: Shutterstock/Trong Nguyen

Prosecution & Legislation

The Texas District Attorney’s Association completed a [DWI Resource Prosecutor Listening Session](#) at the end of 2022, which was the first one held since 2008. This report details the listening session with elected Texas prosecutors on issues related to traffic safety and impaired driving in general.

The 88th Legislature’s regular session runs from January 10 to May 29, 2023. The Texas Impaired Driving Task Force’s Legislative Subcommittee will be monitoring impaired-driving legislation.



Continued: Executive Committee 2023 Updates

88th Legislature Bills to Watch

- **HB 93 / SB 324:** Relating to changing the eligibility for community supervision for certain repeat intoxication offenders.
- **HB 210 / HB 393/ HB 1202/ SB 703:** Relating to restitution payments for the support of a child whose parent or guardian is a victim of intoxication manslaughter (Bentley’s Law).
- **HB 1131:** Relating to the authority of a justice of the peace to issue a search warrant to collect a blood specimen from a person arrested for certain intoxication criminal offenses.
- **HB 1163:** Relating to creating the criminal offense of boating while intoxicated with a child passenger; changing the eligibility for deferred adjudication community supervision.
- **HB 1742:** Relating to increasing the minimum term of imprisonment and changing the eligibility for community supervision, mandatory supervision, and parole for persons convicted of intoxication manslaughter.

- **HB 2003 / SB 752:** Relating to the delivery and direct shipment of certain alcoholic beverages to ultimate consumers; creating criminal offenses.
- **HB 2200 / SB 1288:** Relating to the sale of spirit coolers by certain alcoholic beverage permittees.



The subcommittee is also tracking marijuana related bills and will report out to the task force if any of the potential legislation gains traction.

Currently, HB 218, authored by Representative Joseph Moody is one to watch. This bill would remove criminal penalties for possession of up to 1 ounce of marijuana or cannabis concentrate, creating a citable offense, not subject to arrest. It would also reduce penalties for 1–4 ounces of marijuana possession.

Subcommittee Updates

- [Research subcommittee met in January](#) to discuss internal processes for creating reports on the new quarterly basis. First article review of 2023 coming soon!
- Legislative Subcommittee met on [January 4, 2023](#) and [February 20, 2023](#) to discuss the 88th Legislative Session.



Please welcome our new members:

April Ramos

Program Manager, Roadway/Mobility, National Safety Council

Ben Smith

*Program Manager, Texas A&M AgriLife Extension Service
Watch UR BAC*

Richard Hoover

*Lieutenant, Texas Highway Patrol,
Department of Public Safety*

Joseph Schmider

*State EMS Director, Department of Health
and Human Services*

Jodie Tullos

*Captain, Texas Highway Patrol, Department of
Public Safety – Highway Safety Operations Center*



2023



We hope you enjoyed your experience at the 2023 Texas Impaired Driving Forum in Austin, TX! You can view presentations and photos from the event [here](#).



We are accepting proposals for speakers/presentations for the 2024 Texas Impaired Driving Forum. Speaker/presentation proposals must be submitted using the form below. Proposals for speakers will be accepted until August 1, 2023. All proposals will be carefully reviewed for applicability to the Texas Impaired Driving Forum audience. Applicants will be notified of their acceptance status by the end of November 2023. Please complete the following form [here](#).

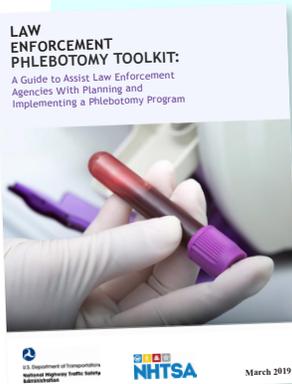
2023 Texas Impaired Driving Forum Highlights

Implementing A Law Enforcement Phlebotomy Program

Chief Robert Ticer, Prescott Valley Police Department, Arizona

A law enforcement phlebotomy program is an effective strategy to combat the time and costs associated with blood draws on drivers suspected of driving under the influence. Chief Ticer described how to implement and sustain a successful police phlebotomy program. He also addressed potential barriers, such as liability concerns and public perception, and how to overcome them. View the presentation [here](#).

Chief Ticer was an invaluable contributor to the Law Enforcement Phlebotomy Toolkit: A Guide to Assist Law Enforcement Agencies with Planning and Implementing a Phlebotomy Program. You can view this NHTSA toolkit [here](#).



Cannabis-Impaired Driving Abatement: TSRP Panel

- Clay Abbott, Texas TSRP, Texas District & County Attorneys Association*
- Shannon Bryant, Nevada TSRP, Washoe County Deputy District Attorney*
- Jen Knudsen, Colorado TSRP, Colorado District Attorneys' Council*
- Ken Stecker, Michigan TSRP, Prosecuting Attorneys Association of Michigan*

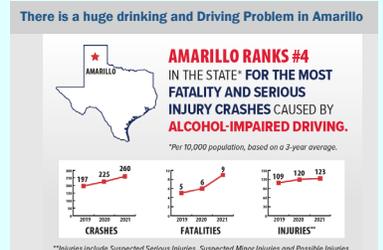
Traffic Safety Resource Prosecutors (TSRP) provide law enforcement officers and prosecutors with education, training, and technical assistance related to traffic safety, and specifically, impaired driving. This panel of TSRPs all came from states with legalized adult use cannabis markets. Moderated by Clay Abbott, they discussed the path to cannabis legalization, strategies they have employed to address traffic safety under new policies, and ways they have adapted enforcement initiatives to include cannabis-impaired driving efforts. Clay also solicited advice and opinions about how Texas can prepare and adapt to this growing traffic safety concern.



Amarillo Stakeholder Panel – Grassroots Efforts to Reduce Impaired Driving at a Community Level

- Chief Martin Birkenfeld, Amarillo Police Department*
- David Elizalde, Founder, Andrea's Project*
- LaViza Matthews, Traffic Safety Specialist, TxDOT*

Amarillo community stakeholders discussed how they have built a grassroots movement to curb impaired driving in their community. Legislative advocacy, education of local policy makers, improvements to the judicial system, targeted traffic enforcement, and underage compliance all contribute to improved outcomes of impaired driving. Attendees learned about the strategies they have been employing to increase safety on Amarillo roadways and how they can apply these approaches to other Texas communities. View the presentation [here](#).





Updates from the Traffic Records Coordinating Committee (TRCC)

This statewide group of stakeholders uses the TRCC as a forum for the planning, coordination and implementation of projects to improve Texas' traffic records system. The TRCC uses federal "State Traffic Safety Information System Improvement Grants (405c)" and other funds to promote projects to improve the accessibility, accuracy, completeness, consistency, timeliness and uniformity of the traffic records systems in Texas. These projects include efforts to improve individual databases as well as to promote linkages between the core traffic records systems through the development of interfaces to improve direct business needs and integration to improve data analysis.



[Read Newsletter.](#)

Join the TRCC email list [here](#).

National Traffic Law Center Resources

The National District Attorneys Association's National Traffic Law Center (NTLC) is a resource designed to benefit prosecutors, law enforcement, and others in the justice system in all aspects of their work pertaining to traffic safety. The NTLC, together with subject matter experts from around the country, has developed online training courses, resource monographs, an expert witness database, and numerous other resources to facilitate the investigation and prosecution of impaired driving and commercial driver license cases. The NTLC staff, are uniquely qualified to offer guidance and strategy for impaired driving issues and are available to provide technical assistance and training.

Joanne Thomka, Director of the National Traffic Law Center presented tools and resources to assist with impaired-driving cases at the 2023 Texas Impaired Driving Forum. You may view the presentation [here](#).

Available National Traffic Law Center Resources include:

- [Challenges and Defenses III: Responses to Common Challenges and Defenses in Impaired Driving Cases](#) – Written to help prosecutors address the challenges and defenses largely related to drug-impaired driving cases.
- [Drug Toxicology for Prosecutors](#) – Designed to provide prosecutors with a basic understanding of drug pharmacology and testing.
- [Improving DUI System Efficiency: A Guide to Implementing Electronic Warrants](#) – Multi-phase study designed to produce guidance for state legislators, law enforcement, prosecutors, judges, and court administrators on the application of electronic warrants in DUI cases.
- [Investigation and Prosecution of Cannabis-Impaired Driving Cases](#) – Intended to provide a general overview of the investigation and prosecution of cannabis-impaired driving cases.
- [Constitutional Law Issues in Impaired Driving Cases](#) – Provides an overview of some of the many constitutional issues impacting traffic cases from the law enforcement officer's observations of a vehicle in motion through a defendant's trial.
- [Horizontal Gaze Nystagmus: The Science and The Law](#) – Designed especially to assist judges, prosecutors and law enforcement personnel in gaining a basic understanding of HGN, its correlation to alcohol and certain other drugs, other types of nystagmus, the HGN test's scientific validity and reliability, its admissibility in other jurisdictions, and the purposes for which it may be introduced.
- [Commercial Drivers' Licenses: A Prosecutor's Guide to the Basics of Commercial Motor Vehicle Licensing and Violations](#) – Explains the basics of CDL law.
- [Distracted Driving CDL Enforcement for Prosecutors and Law Enforcement](#) – Serves as a primer for prosecutors and law enforcement on the investigation and prosecution of distracted driving cases involving large commercial vehicles.

You can view all National Traffic Law Center resources [here](#). We encourage you to utilize this valuable resource center and connect with the subject matter experts of NTLC.



APRIL

- **BVIPC: RED Class**
April 1 | Bellville, TX
Email Pamela.Todaro@ag.tamu.edu to register
- **[Lifesavers, National Conference on Highway Safety Priorities](#)**
April 2-4 | Seattle, WA
- **[Our Driving Concern: Top things Every Manager Should Know About Safety](#)**
April 5 | Webinar
- **BVIPC: RED Class, April 6 | Virtual**
Email Pamela.Todaro@ag.tamu.edu to register
- **[TxSFST: Cameron Co FREE 8-HR Advanced DWI Course](#)**
April 10 | Olmito, TX
- **[Texas DRE: Beaumont – ARIDE Course](#)**
April 10-11 | Beaumont, TX
- **[Our Driving Concern: Work Toward Zero by Marking Safety Personal](#)**
April 11 | Webinar
- **[TxSFST: Baytown FREE 8-HR Advanced DWI Course](#)**
April 11 | Baytown, TX
- **[TxSFST: Tarrant Co FREE 8-HR SFST Refresher Course](#)**
April 11 | Fort Worth, TX

- **[TxSFST: Cameron Co FREE 8-HR Advanced DWI Course](#)**
April 11 | Olmito, TX
- **[Texas DRE: Houston – ARIDE Course](#)**
April 12-13 | Houston, TX
- **[TxSFST: Cameron Co FREE 24-HR SFST Practitioner Course](#)**
April 12--14 | Olmito, TX
- **[Texans for Safe and Drug-Free Youth: Lubbock Community Forum](#)**,
April 13 | Lubbock, TX
- **[Texas DRE: Eules – Drug Recognition Expert Recertification Course](#)**
April 13 | Eules, TX
- **[Texas DRE: Denton – Drug Recognition Expert Basic Certification Course](#)**
April 17-27 | Denton, TX
- **[TxSFST: Belton FREE 8-HR Advanced DWI Course](#)**
April 20 | Belton, TX
- **[Texas DRE: Cedar Park – ARIDE Course](#)**
April 25-26 | Cedar Park, TX
- **TxIDTF: Quarterly Meeting**
April 27 | Austin, TX
- **[Texas DRE: Waco – ARIDE Course](#)**
April 27-28 | Waco, TX

MAY

- **[TxSFST: Southside Place FREE 8-HR SFST Refresher Course](#)**
May 1 | Houston, TX
- **[TxSFST: Bexar Co FREE 8-HR Advanced DWI Course](#)**
May 4 | San Antonio, TX
- **[TxSFST: Amarillo FREE 50-HR SFST Instructor Course](#)**
May 8-12 | Amarillo, TX
- **[Texas DRE: Weslaco – Drug Recognition Expert Basic Certification Course](#)**
May 8-18 | Weslaco, TX
- **TRCC: Quarterly Meeting**
May 9 | In-Person/Virtual
- **[TxSFST: Belton FREE 8-HR SFST Refresher Course](#)**
May 9 | Belton, TX
- **[TxSFST: Tarrant Co FREE 8-HR SFST Refresher Course](#)**
May 10 | Fort Worth, TX
- **[Texas DRE: Houston – Drug Recognition Expert Recertification Course](#)**
May 15 | Houston, TX
- **[TxSFST: Dallas Co FREE 8-HR SFST Refresher Course](#)**
May 17 | Grand Prairie, TX
- **[TxSFST: Dallas Co FREE 8-HR Advanced DWI Course](#)**
May 19 | Grand Prairie, TX
- **[TxSFST: League City FREE 24-HR SFST Practitioner Course](#)**
May 24 | League City, TX