

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**April 26, 2005**

**TO:** Honorable Terry Keel, Chair, House Committee on Criminal Jurisprudence

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE: HB51** by Smith, Todd (Relating to the punishment prescribed for and conditions of community supervision imposed on certain persons who commit intoxication offenses.),  
**Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Penal Code and the Code of Criminal Procedure as they relate to the punishment and conditions of community supervision imposed on certain persons who commit intoxication offenses. The bill would require all persons convicted of certain intoxication offenses placed on community supervision to submit to an evaluation by a community supervision officer or by a person, program or facility approved by the Department of State Health Services in order that the person, program or facility may carry out rehabilitation of the defendant. The Department of State Health Services anticipates no significant fiscal impact from this provision of the bill.

The bill would also require persons who provide a breath, blood, or urine specimen which shows an alcohol concentration of 0.15 or more and is placed on community supervision, to have an ignition interlock device installed on any vehicle which that person operates. The Department of Public Safety (DPS) would be responsible for monitoring and inspecting all facilities that install ignition interlock devices. According to DPS, 14,000 ignition interlock devices are currently in use in the state. In calendar year 2004, there were 28,058 subject tests run in which the breath alcohol concentration was 0.15 or greater. Therefore, the bill could potentially triple the number of devices in use and result in an increased workload for DPS. It is assumed that the additional cost to DPS of monitoring and inspecting facilities that install ignition interlock devices could be absorbed within the current resources of the agency.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 405 Department of Public Safety, 537 Department of State Health Services

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