

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

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

**May 20, 2005**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**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 2nd House, As Amended**

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

The bill would amend the Penal Code relating to enhanced penalties for certain intoxication offenses, for persons with previous convictions for intoxication offenses. No significant fiscal impact is anticipated from this provision of the bill.

The bill would also amend the Code of Criminal Procedure by requiring persons who provide a breath, blood, or urine specimen which shows an alcohol concentration of 0.15 or more and 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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