

Amend CSHB 189 (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 17, Code of Criminal Procedure, is amended by adding Article 17.442 to read as follows:

Art. 17.442. CONDITIONS REQUIRING ALCOHOL TESTING. (a) A magistrate may require a defendant as a condition of release on bond to obtain and use an alcohol monitoring device and to obtain and use the device at the defendant's own expense.

(b) If a magistrate requires a defendant to obtain and use an alcohol monitoring device under this article, the magistrate must specify the date by which the defendant must begin using the device.

(c) The magistrate may revoke the bond and order the defendant arrested if the magistrate finds, after notice and an opportunity for a hearing, that:

(1) the defendant failed to obtain and use an alcohol monitoring device, as required by the magistrate;

(2) the defendant tampered with or otherwise attempted to circumvent or disable the alcohol monitoring device;

(3) the alcohol monitoring device showed that the defendant violated a condition of bond;

(4) the defendant otherwise did not submit to alcohol testing; or

(5) the defendant failed to pay the costs of alcohol testing, including the costs of an alcohol monitoring device, if:

(A) payment was ordered under Subsection (d) as a condition of bond; and

(B) the magistrate determines that the defendant is not indigent and is financially able to make the payments as ordered.

(d) The costs of the alcohol monitoring device and associated services may be:

(1) assessed as a cost of court;

(2) ordered paid as a condition of bond by the defendant directly to the agency or service provider designated by the magistrate under Subsection (e) in the same manner as a

defendant is required to pay fees under Article 17.441(d); or

(3) waived or reduced.

(e) The magistrate may designate an agency or service provider to verify the installation of an alcohol monitoring device and to monitor the defendant's use of the device.

SECTION _____. Subchapter B, Chapter 103, Government Code, is amended by adding Section 103.0217 to read as follows:

Sec. 103.0217. ADDITIONAL FEES IN CERTAIN CRIMINAL CASES: CODE OF CRIMINAL PROCEDURE. A defendant who is ordered by the court to obtain and use an alcohol monitoring device under Article 17.442, Code of Criminal Procedure, shall pay a fee in the manner and amount set by the magistrate under that article.