

LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION  
Revision 1

April 12, 2011

**TO:** Honorable Pete Gallego, Chair, House Committee on Criminal Jurisprudence

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

**IN RE: HB506** by Callegari (Relating to requiring the use of an ignition interlock device on conviction of certain intoxication offenses.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB506, As Introduced: an impact of \$0 through the biennium ending August 31, 2013.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2012	\$0
2013	\$0
2014	\$0
2015	\$0
2016	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable (Cost) from <i>State Highway Fund</i> 6	Probable (Cost) from <i>Oper &amp; Chauffeurs Lic Ac</i> 99	Probable Revenue Gain from <i>Texas Mobility Fund</i> 365
2012	(\$145,609)	(\$1,109,732)	\$240,720
2013	(\$134,354)	(\$991,686)	\$240,720
2014	(\$126,756)	(\$989,604)	\$240,720
2015	(\$129,295)	(\$1,009,430)	\$240,720
2016	(\$126,756)	(\$989,604)	\$240,720

Fiscal Year	Change in Number of State Employees from FY 2011
2012	17.0
2013	17.0
2014	17.0
2015	17.0
2016	17.0

Fiscal Analysis

The bill would amend the Code of Criminal Procedure and Transportation Codes to require an ignition interlock device to be placed on the vehicle of persons placed on community supervision for certain intoxication offenses that involved the operation of a motor vehicle. The bill would take effect September 1, 2011.

## **Methodology**

The Department of Public Safety estimates 24,072 persons were placed on community supervision in fiscal year 2010 for the intoxication offenses that would require an ignition interlock device (IID) under the provisions of the bill. Assuming the same number of applicable persons would receive community supervision in future years, this would result in a gain to the Texas Mobility Fund of \$240,720 each year because each person issued an IID would be required to pay a \$10 fee to obtain a driver's license with an IID restriction.

The bill would require all offenders receiving community supervision for the applicable intoxication offenses to have an ignition interlock device placed on their vehicle. DPS is responsible for auditing and testing the entities who provide the IIDs throughout the state and issuing licenses for each IID. The increased demand for IIDs due to the provisions of the bill will likely require DPS to audit and test additional entities who provide IIDs. DPS will require additional full-time employees to process IID licenses and customer service inquiries. DPS assumes there will be a 25 percent increase in the entities who provide IIDs as a result of the provisions of the bill; DPS will also require additional FTEs to adequately inspect and audit the additional entities.

One additional Administrative Assistant IV would be required to process the additional IID licenses and one Customer Service Representative IV would be required to field the additional customer support expected. These full-time employees (FTEs) would be funded through the State Highway Fund. Thirteen additional Inspector IVs would be required to adequately inspect and audit the anticipated 25% growth in the number of IID providers, and one Program Specialist I would be required to supervise the additional Inspector IVs. One Accountant V will be required to provide accounting and various financial management issues for the additional employees. These FTEs would be funded through the Operator and Chauffeurs License Account. Additional expenses for the supplies and support of all the additional FTEs is also included in this analysis.

## **Technology**

DPS will require contractors for systems analysis, programming, and database administration support for logic and database changes at a cost of \$32,500 in fiscal year 2012 and \$21,060 in fiscal year 2013.

## **Local Government Impact**

The bill would require defendants placed on community supervision for certain offenses to have a deep-lung breath analysis device installed on the vehicle most regularly driven by the defendant. Local community supervision and corrections departments (CSCDs) would face lost revenue if defendants who would otherwise pay probation fees would now pay fees for the device but would be unable to pay probation fees.

Brazos County community CSCD anticipates lost revenue of \$75,000 annually due to defendants' failure to pay fees associated with the bill.

Angelina County CSCD anticipates lost revenue of \$5,000 due to defendants' failure to pay and costs of \$20,000 annually in new staff to oversee offenders.

Williamson County CSCD anticipates \$25,000 of lost revenue for fiscal year (FY) 2012, and \$118,000 in costs for new staff to oversee offenders. Williamson County estimates that these costs will rise by 10 to 12 percent per year.

Bexar County CSCD anticipates a one-time cost of \$55,000 in FY 2012 for automobiles and equipment in addition to \$187,000 for new staff and automobile maintenance and \$708,200 in lost revenue due to defendants' failure to pay. Except for the cost for automobiles and equipment (which

only affects FY 2012), costs are expected to rise approximately 5 percent per year.

**Source Agencies:** 405 Department of Public Safety, 696 Department of Criminal Justice

**LBB Staff:** JOB, ESi, GG, KKR, TP