

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

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**April 9, 2011**

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

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

**IN RE: HB982** by Carter (Relating to creating an offense for failure to install and maintain an ignition interlock device for persons convicted of certain intoxication offenses.), **As Introduced**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend the Code of Criminal Procedure to create a Class A offense for failure to install and maintain an interlock ignition device for persons convicted of second or subsequent offenses related to operating a motor vehicle while intoxicated committed within five years of the date of the most recent offense. Under current statute, failure to comply with a court order for an intoxication offenses is punishable by contempt.

A Class A misdemeanor is punishable by a fine of not more than \$4,000, confinement in jail for a term not to exceed one year, or both.

Creating a penalty for any criminal offense is expected to result in increased demands upon the correctional resources of the State due to longer terms of probation, or longer terms of confinement in prisons. For this analysis, it is assumed the number of offenders convicted under this statute would not result in a significant impact on the programs and workload of State corrections agencies or on the demand for resources and services of those agencies.

The bill would take effect September 1, 2011.

**Local Government Impact**

There could be costs associated with enforcement, prosecution and confinement; and revenue gain from fines imposed and collected that would vary depending on the number of applicable offenses committed and the amount of the fine or jail term imposed; however, the amounts are not anticipated to be significant.

The El Paso County Auditor's Office and the Ward County Auditor reported no fiscal impact is anticipated to implement the provisions of the bill.

**Source Agencies:**

**LBB Staff:** JOB, ESi, TP, LM