

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 12, 2011

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

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

IN RE: HB3029 by Smith, Wayne (Relating to the conditions for release on bond of a defendant charged with certain intoxication offenses.), **As Introduced**

No significant fiscal implication to the State is anticipated.

This bill would amend the Code of Criminal Procedure to specify that a magistrate, as a condition of bond, require a defendant charged with certain subsequent intoxication offenses to install an ignition interlock device on the vehicle owned by or most regularly driven by the defendant, unless the magistrate determines the device would not be in the best interest of justice.

The bill would authorize a magistrate, as a condition of bond, to require a defendant charged with certain subsequent intoxication offenses that does not own or regularly operate a vehicle to submit to alcohol testing at the defendant's expense, including an alcohol monitoring device or a deep-lung breath analysis mechanism to be used at intervals prescribed by the court. A magistrate would be authorized to revoke the bond and order a defendant arrested if the court finds, after notice and an opportunity for a hearing, that the defendant did not comply with the requirements, including if a defendant fails to pay the costs of the alcohol testing, or the monitoring device or services.

A magistrate would be authorized to designate an appropriate agency or service provider to verify the installation of an ignition interlock device and monitor the device; or to secure an alcohol monitoring device to a defendant or verify and monitor the device or breath analysis mechanism. A defendant would be required to pay a fee to the agency or service provider in an amount set by the magistrate not to exceed \$10 as determined by the county auditor, or the commissioners court to cover the costs incurred by the agency or service provider, unless the magistrate waives or reduces the fee.

The bill would take effect September 1, 2011.

The Comptroller of Public Accounts reported there would be no administrative costs to the agency.

Local Government Impact

There could be costs to a county that requires a defendant to install or wear certain alcohol monitoring devices, but the amounts would vary depending on the number of defendants required by a magistrate to submit to these provisions as a condition of bond, a defendant's financial ability to pay the full cost of the device or service provider and the availability of monitoring services. It is assumed that a county would require defendants to install or wear the monitoring devices only if sufficient funds were available or it would not result in a negative fiscal impact.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 696 Department of Criminal Justice

LBB Staff: JOB, ESi, TP, TB, AI