

By: Smith

H.B. No. 1275

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain fees associated with the installation and
3 monitoring of an ethyl alcohol testing device as a condition of
4 bond.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Article 17.40, Code of Criminal Procedure, is
7 amended by adding Subsection (c) to read as follows:

8 (c) If the magistrate imposes a condition of bond requiring
9 a defendant to have installed in the defendant's home or on a
10 vehicle owned or operated by the defendant a deep-lung breath
11 analysis mechanism to detect ethyl alcohol in the breath of the
12 defendant, the magistrate may designate an appropriate agency to
13 verify the installation of the device and to monitor the device. If
14 the magistrate designates an agency under this subsection, in each
15 month during which the agency verifies the installation of the
16 device or provides a monitoring service, the defendant shall pay a
17 fee to the designated agency in the amount set by the magistrate.
18 The defendant shall pay the initial fee at the time the agency
19 verifies the installation of the device. In each subsequent month
20 during which the defendant is required to pay a fee, the defendant
21 shall pay the fee on the first occasion in that month that the
22 agency provides a monitoring service. The magistrate shall set the
23 fee in an amount not to exceed \$10 as determined by the county
24 auditor, or by the commissioners court of the county if the county

1 does not have a county auditor, to be sufficient to cover the cost
2 incurred by the designated agency in conducting the verification or
3 providing the monitoring service.

4 SECTION 2. Section 76.011(a), Government Code, is amended
5 to read as follows:

6 (a) The department may operate programs for:

7 (1) the supervision and rehabilitation of persons in
8 pretrial intervention programs;

9 (2) the supervision of persons released on bail under:

10 (A) Chapter 11, Code of Criminal Procedure;

11 (B) Chapter 17, Code of Criminal Procedure;

12 (C) Article 44.04, Code of Criminal Procedure; or

13 (D) any other law;

14 (3) the supervision of a person subject to, or the
15 verification of compliance with, a court order issued under:

16 (A) Article 17.40(c), Code of Criminal
17 Procedure, requiring a person to install a deep-lung breath
18 analysis mechanism in a person's home or on a vehicle owned or
19 operated by the person;

20 (B) Article 17.441, Code of Criminal Procedure,
21 requiring a person to install a deep-lung breath analysis mechanism
22 on each vehicle owned or operated by the person;

23 (C) [~~(B)~~] Chapter 469, Health and Safety Code,
24 issuing an occupational driver's license;

25 (D) [~~(C)~~] Section 49.09(h), Penal Code,
26 requiring a person to install a deep-lung breath analysis mechanism
27 on each vehicle owned or operated by the person; or

1 (E) [~~(D)~~] Subchapter L, Chapter 521,
2 Transportation Code, granting a person an occupational driver's
3 license; and

4 (4) the supervision of a person not otherwise
5 described by Subdivision (1), (2), or (3), if a court orders the
6 person to submit to the supervision of, or to receive services from,
7 the department.

8 SECTION 3. Subchapter B, Chapter 103, Government Code, is
9 amended by adding Section 103.02101 to read as follows:

10 Sec. 103.02101. ADDITIONAL FEES IN CERTAIN CRIMINAL CASES:
11 CODE OF CRIMINAL PROCEDURE. A defendant who is ordered by the court
12 to have installed an alcohol monitoring device under Article 17.40,
13 Code of Criminal Procedure, shall pay a fee in an amount set by a
14 magistrate not to exceed \$10 for each verification of installation
15 or monitoring service conducted by a designated agency.

16 SECTION 4. This Act takes effect September 1, 2013.