

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

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**March 12, 2013**

**TO:** Honorable Abel Herrero, Chair, House Committee On Criminal Jurisprudence

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB260** by Callegari (Relating to requiring the use of an ignition interlock device on conviction of certain intoxication offenses.), **As Introduced**

<b>Estimated Two-year Net Impact to General Revenue Related Funds</b> for HB260, As Introduced: an impact of \$0 through the biennium ending August 31, 2015.
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**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2014	\$0
2015	\$0
2016	\$0
2017	\$0
2018	\$0

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Savings/(Cost) from Texas Mobility Fund 365</b>
2014	\$443,584
2015	\$443,584
2016	\$443,584
2017	\$443,584
2018	\$443,584

**Fiscal Analysis**

The bill would amend the Criminal Procedure and Transportation Codes to require an ignition interlock device be placed on the motor vehicle of persons placed on community supervision for certain intoxication offenses involving the operation of a motor vehicle. For intoxication offenses not involving a motor vehicle, the bill would also amend the Code of Criminal Procedure to make it discretionary in some instances and mandatory in others for the court placing a defendant on community service to require a defendant to have an ignition interlock device installed on the appropriate non-motor vehicle, i.e., aircraft, watercraft, or amusement ride. Where the defendant

has been found guilty previously of an intoxication with any vehicle offense, if the person used a vehicle in the commission of the offense, the court must also require the defendant to drive motor vehicles equipped with an ignition interlock device. The bill provides an exception for a probationer's use of a motor vehicle owned by the probationer's employer. The bill would take effect September 1, 2013.

### **Methodology**

The Department of Public Safety (DPS) estimates \$443,772 in annual revenue to the Texas Mobility Fund. DPS projects 21,132 individuals each year would be subject to the provisions of the bill, based on carrying forward a fiscal year 2009-12 average of the annual number of probated intoxication convictions.

The DPS revenue assumption has two components. First is multiplying a fee of \$10 to update a probationer's license with the required restriction by the number of individuals each year subject to the provisions of the bill (21,132). Second is multiplying a fee of \$11 to remove the restriction from the probationer's license when released by the court by the same number of individuals.  $(21,132 \times \$10) + (21,132 \times \$11) = \$443,772$ .

It is assumed the costs associated with implementing the provisions of the bill could be absorbed within current appropriations.

### **Technology**

It is assumed any technology-related costs associated with implementing the provisions of the bill could be absorbed within current appropriations.

### **Local Government Impact**

The bill could increase to an undetermined degree the local court and community supervision workloads associated with monitoring compliance of the additional condition of probation required by the bill.

There could also be potentially significant costs to local community supervision and correctional departments (CSCDs) for the payment of these devices, should certain offenders be determined indigent by the court, requiring local courts to pay for some or all of the equipment costs.

Nueces County CSCD reported that they would be required to hire 40 full-time officers to monitor the devices to be compliant with the bill, and estimated the costs at \$1,820,000 for fiscal year 2014, \$1,8740,000 for fiscal year 2015, and \$1,929,620 for fiscal year 2016.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 405 Department of Public Safety, 696 Department of Criminal Justice

**LBB Staff:** UP, ESi, AI, JAW, KKR