

By: Moody

H.B. No. 1022

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the reporting of and access to information about
3 defendants restricted to the operation of a motor vehicle with an
4 ignition interlock device.

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

6 SECTION 1. Article 17.441, Code of Criminal Procedure, is
7 amended by adding Subsection (e) to read as follows:

8 (e) A magistrate that restricts a defendant to the operation
9 of a motor vehicle equipped with an ignition interlock device under
10 Subsection (a) shall submit the name of the defendant and the date
11 the restriction expires to the Department of Public Safety for
12 inclusion in the Texas Crime Information Center database.

13 SECTION 2. Article 42A.408, Code of Criminal Procedure, is
14 amended by adding Subsection (i) to read as follows:

15 (i) A court that restricts a defendant to the operation of a
16 motor vehicle equipped with an ignition interlock device under this
17 article shall submit the name of the defendant and the date the
18 restriction expires to the Department of Public Safety for
19 inclusion in the Texas Crime Information Center database.

20 SECTION 3. Subchapter A, Chapter 411, Government Code, is
21 amended by adding Section 411.02092 to read as follows:

22 Sec. 411.02092. TEXAS CRIME INFORMATION CENTER DATABASE:
23 DEFENDANTS RESTRICTED TO USE OF MOTOR VEHICLE EQUIPPED WITH
24 IGNITION INTERLOCK. (a) The department shall include in the Texas

1 Crime Information Center database:

2 (1) the name of each defendant restricted to the
3 operation of a motor vehicle equipped with an ignition interlock
4 device under Article 17.441 or 42A.408, Code of Criminal Procedure,
5 Section 49.09(h), Penal Code, or Section 521.246, Transportation
6 Code, and the date each restriction expires; and

7 (2) the information provided to the department by a
8 vendor of an ignition interlock device under Section 521.2476,
9 Transportation Code, for each defendant described by Subdivision
10 (1) for whom the vendor has installed an ignition interlock device
11 on the appropriate vehicle.

12 (b) The department shall ensure that a defendant's name is
13 removed from the Texas Crime Information Center database on the
14 expiration of the ignition interlock restriction for that
15 defendant.

16 (c) The Texas Crime Information Center database must:

17 (1) provide the information on a defendant restricted
18 to the operation of a motor vehicle equipped with an ignition
19 interlock device in a format that allows a law enforcement agency to
20 make the information available to a peace officer through a mobile
21 data terminal; and

22 (2) promptly reflect any updated information as
23 necessary to ensure a defendant whose ignition interlock
24 restriction has expired is not indicated through the mobile data
25 terminal as a person who is restricted to the operation of a motor
26 vehicle equipped with an ignition interlock device.

27 SECTION 4. Section 509.004(a), Government Code, is amended

1 to read as follows:

2 (a) The division shall require each department to:

3 (1) keep financial and statistical records determined
4 necessary by the division;

5 (2) submit a strategic plan and all supporting
6 information requested by the division;

7 (3) present data requested by the division as
8 necessary to determine the amount of state aid for which the
9 department is eligible; and

10 (4) submit periodic financial audits and statistical
11 reports to the division[~~, and~~

12 [~~(5) submit to the Department of Public Safety the
13 full name, address, date of birth, social security number, and
14 driver's license number of each person restricted to the operation
15 of a motor vehicle equipped with a device that uses a deep-lung
16 breath analysis mechanism to make impractical the operation of the
17 motor vehicle if ethyl alcohol is detected in the breath of the
18 restricted operator].~~

19 SECTION 5. Section 49.09(h), Penal Code, is amended to read
20 as follows:

21 (h) This subsection applies only to a person convicted of a
22 second or subsequent offense relating to the operating of a motor
23 vehicle while intoxicated committed within five years of the date
24 on which the most recent preceding offense was committed. The court
25 shall enter an order that requires the defendant to have an ignition
26 interlock [~~a~~] device installed, on each motor vehicle owned or
27 operated by the defendant, that uses a deep-lung breath analysis

1 mechanism to make impractical the operation of the motor vehicle if
2 ethyl alcohol is detected in the breath of the operator, and that
3 requires that before the first anniversary of the ending date of the
4 period of license suspension under Section 521.344, Transportation
5 Code, the defendant not operate any motor vehicle that is not
6 equipped with an ignition interlock ~~[that]~~ device. The court shall
7 require the defendant to obtain the ignition interlock device at
8 the defendant's own cost on or before that ending date, require the
9 defendant to provide evidence to the court on or before that ending
10 date that the ignition interlock device has been installed on each
11 appropriate vehicle, and order the ignition interlock device to
12 remain installed on each vehicle until the first anniversary of
13 that ending date. If the court determines the offender is unable to
14 pay for the ignition interlock device, the court may impose a
15 reasonable payment schedule not to extend beyond the first
16 anniversary of the date of installation. The Department of Public
17 Safety shall approve ignition interlock devices for use under this
18 subsection. Section 521.247, Transportation Code, applies to the
19 approval of an ignition interlock ~~[a]~~ device under this subsection
20 and the consequences of that approval. Failure to comply with an
21 order entered under this subsection is punishable by contempt. For
22 the purpose of enforcing this subsection, the court that enters an
23 order under this subsection retains jurisdiction over the defendant
24 until the date on which the ignition interlock device is no longer
25 required to remain installed. A court that restricts a defendant to
26 the operation of a motor vehicle equipped with an ignition
27 interlock device under this subsection shall submit the name of the

1 defendant and the date the restriction expires to the Department of
2 Public Safety for inclusion in the Texas Crime Information Center
3 database. To the extent of a conflict between this subsection and
4 Subchapter I, Chapter 42A, Code of Criminal Procedure, this
5 subsection controls.

6 SECTION 6. Section 521.246, Transportation Code, is amended
7 by adding Subsection (g) to read as follows:

8 (g) A judge that restricts a person to the operation of a
9 motor vehicle equipped with an ignition interlock device under
10 Subsection (a) shall submit the name of the person and the date the
11 restriction expires to the Department of Public Safety for
12 inclusion in the Texas Crime Information Center database.

13 SECTION 7. Section 521.2476(b), Transportation Code, is
14 amended to read as follows:

15 (b) The minimum standards shall require each vendor to:

16 (1) be authorized by the department to do business in
17 this state;

18 (2) install an ignition interlock [a] device only if
19 the ignition interlock device is approved under Section 521.247;

20 (3) obtain liability insurance providing coverage for
21 damages arising out of the operation or use of ignition interlock
22 devices in amounts and under the terms specified by the department;

23 (4) install the ignition interlock device and activate
24 any anticircumvention feature of the ignition interlock device
25 within a reasonable time after the vendor receives notice that
26 installation is ordered by a court;

27 (4-a) submit to the department for inclusion in the

1 Texas Crime Information Center database the make, model, vehicle
2 identification number, and license plate number of the motor
3 vehicle on which the vendor installs the ignition interlock device,
4 and the name of the person who is the subject of the court order
5 requiring installation of the ignition interlock device on the
6 motor vehicle;

7 (5) install and inspect the ignition interlock device
8 in accordance with any applicable court order;

9 (6) repair or replace an ignition interlock [a] device
10 not later than 48 hours after receiving notice of a complaint
11 regarding the operation of the ignition interlock device;

12 (7) submit a written report of any violation of a court
13 order to that court and to the person's supervising officer, if any,
14 not later than 48 hours after the vendor discovers the violation;

15 (8) maintain a record of each action taken by the
16 vendor with respect to each ignition interlock device installed by
17 the vendor, including each action taken as a result of an attempt to
18 circumvent the ignition interlock device, until at least the fifth
19 anniversary after the date of installation;

20 (9) make a copy of the record available for inspection
21 by or send a copy of the record to any court, supervising officer,
22 or the department on request; and

23 (10) annually provide to the department a written
24 report of each service and ignition interlock device feature made
25 available by the vendor.

26 SECTION 8. Articles [17.441](#) and [42A.408](#), Code of Criminal
27 Procedure, Section [49.09](#), Penal Code, and Section 521.246,

1 Transportation Code, as amended by this Act, apply only to a
2 magistrate, court, or judge that orders that a defendant be
3 restricted to the operation of a motor vehicle equipped with an
4 ignition interlock device on or after the effective date of this
5 Act. A restriction ordered before the effective date of this Act is
6 governed by the law in effect on the date the restriction was
7 ordered, and the former law is continued in effect for that purpose.

8 SECTION 9. Section [521.2476](#), Transportation Code, as
9 amended by this Act, applies only to the installation of an ignition
10 interlock device that occurs on or after the effective date of this
11 Act. An installation that occurs before the effective date of this
12 Act is governed by the law in effect on the date the installation
13 occurred, and the former law is continued in effect for that
14 purpose.

15 SECTION 10. This Act takes effect September 1, 2019.