

By: Smith

H.B. No. 2258

A BILL TO BE ENTITLED

AN ACT

relating to requiring installation of an ignition interlock device as a condition of release on bond for the offense of driving while intoxicated with a child passenger.

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

SECTION 1. Article 17.441(a), Code of Criminal Procedure, is amended to read as follows:

(a) Except as provided by Subsection (b), a magistrate shall require on release that a defendant charged with a subsequent offense under Section 49.04, 49.05, or 49.06 [~~Sections 49.04-49.06~~], Penal Code, or an offense under Section 49.045, 49.07, or 49.08 of that code:

(1) have installed on the motor vehicle owned by the defendant or on the vehicle most regularly driven by the defendant, a device that uses a deep-lung breath analysis mechanism to make impractical the operation of a motor vehicle if ethyl alcohol is detected in the breath of the operator; and

(2) not operate any motor vehicle unless the vehicle is equipped with that device.

SECTION 2. The change in law made by this Act to Article 17.441, Code of Criminal Procedure, applies to a defendant released on bond on or after the effective date of this Act, regardless of whether the offense for which the person was arrested occurred before, on, or after that date.

1           SECTION 3.   This Act takes effect September 1, 2019.