

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 10, 2019

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB3582 by Murr (relating to the punishment for certain intoxication offenses, the conditions of bond for defendants charged with certain intoxication offenses, and the eligibility for deferred adjudication community supervision of defendants who committed certain intoxication offenses.), **Committee Report 2nd House, Substituted**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Code of Criminal Procedure, the Government Code, and the Penal Code to permit judges to place defendants on deferred adjudication when charged with certain intoxication offenses.

The bill would amend the Code of Criminal Procedure to allow a magistrate to require a defendant charged with the offense of driving while intoxicated with a child passenger to install a motor vehicle ignition interlock device as a condition of bond release unless the magistrate determines the device is not necessary for the safety of the community after a controlled substance and alcohol evaluation of the defendant has been conducted.

The bill would enhance the offense of driving while intoxicated with a child passenger from a state jail felony to a third degree felony under certain circumstances. This analysis assumes the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on state correctional agencies.

Based on the analysis of the Office of Court Administration, the Department of Public Safety, the Department of Transportation, and the Department of Criminal Justice, duties and responsibilities associated with implementing the provisions of the bill could be accomplished using existing resources.

The bill would take effect September 1, 2019.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405
Department of Public Safety, 601 Department of Transportation, 696

Department of Criminal Justice

LBB Staff: WP, JPo, LBO, MW, DA, AF, ER