

By: Reynolds

H.B. No. 2915

A BILL TO BE ENTITLED

AN ACT

relating to the offense of providing or requesting or allowing another to provide a breath specimen for an ignition interlock device; creating a criminal offense.

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

SECTION 1. Chapter 38, Penal Code, is amended by adding Section 38.20 to read as follows:

Sec. 38.20. PROVIDING BREATH SPECIMEN FOR IGNITION INTERLOCK DEVICE. (a) In this section:

(1) "Ignition interlock device" has the meaning assigned by Article 42A.408, Code of Criminal Procedure.

(2) "Offense relating to the operating of a motor vehicle while intoxicated," "offense of operating an aircraft while intoxicated," "offense of operating a watercraft while intoxicated," and "offense of operating or assembling an amusement ride while intoxicated" have the meanings assigned by Section 49.09.

(b) A person commits an offense if the person:

(1) is restricted to the operation of a motor vehicle equipped with an ignition interlock device under Article 17.441 or 42A.408, Code of Criminal Procedure, Section 521.246, Transportation Code, or Section 49.09(h) of this code;

(2) requests or allows another person to provide a breath specimen for the ignition interlock device installed on the

1 motor vehicle owned or most regularly driven by the actor; and

2 (3) subsequently operates the motor vehicle equipped
3 with the ignition interlock device without first providing the
4 actor's own breath specimen.

5 (c) A person commits an offense if the person:

6 (1) intentionally or knowingly provides a breath
7 specimen for an ignition interlock device installed on the motor
8 vehicle of another person who the actor knows is restricted to the
9 operation of a motor vehicle equipped with an ignition interlock
10 device under Article 17.441 or 42A.408, Code of Criminal Procedure,
11 Section 521.246, Transportation Code, or Section 49.09(h) of this
12 code; and

13 (2) knows that the person who is restricted to the
14 operation of a motor vehicle equipped with the ignition interlock
15 device intends to subsequently operate the motor vehicle without
16 providing the person's own breath specimen.

17 (d) An offense under Subsection (b) is a Class A
18 misdemeanor, except that the offense is a felony of the third degree
19 if it is shown on the trial of the offense that:

20 (1) the defendant has previously been convicted:

21 (A) one time of an offense under Section 49.08 or
22 an offense under the laws of another state if the offense contains
23 elements that are substantially similar to the elements of an
24 offense under Section 49.08; or

25 (B) two times of any offense, other than an
26 offense described by Paragraph (A), relating to the operating of a
27 motor vehicle while intoxicated, operating an aircraft while

1 intoxicated, operating a watercraft while intoxicated, or
2 operating or assembling an amusement ride while intoxicated; or

3 (2) at the time of the offense, the defendant was
4 released on bond or on community supervision for an offense under
5 Section [49.045](#), [49.07](#), or [49.08](#).

6 (e) An offense under Subsection (c) is a Class C
7 misdemeanor, except that the offense is a Class A misdemeanor if it
8 is shown on the trial of the offense that the defendant has
9 previously been convicted of an offense under Subsection (c).

10 SECTION 2. This Act takes effect September 1, 2023.