

BILL ANALYSIS

H.B. 2733
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Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

A significant number of drivers in Texas are restricted to operating a motor vehicle with ignition interlock technology due to the individual's involvement with an alcohol- or drug-related offense. However, currently there is no mechanism for peace officers to determine if an individual who has been pulled over during a traffic stop is required to have an ignition interlock or other alcohol monitoring device, allowing drivers to essentially ignore a court's order and providing officers and judges little opportunity to enforce the law. H.B. 2733 seeks to address this issue by creating a database that provides officers real-time access to information used to determine if an individual is in violation of an ignition interlock restriction.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2733 amends the Government Code to require the Department of Public Safety (DPS) to design and implement not later than January 1, 2022, and maintain after that date a computerized central database containing information regarding defendants who are restricted to the use of a motor vehicle equipped with an ignition interlock device or required to submit to alcohol monitoring through the use of an alcohol monitoring device other than an ignition interlock device. The bill requires that the database, as follows:

- include the defendant's name, date of birth, driver's license number, and, if applicable, the date each restriction or requirement expires;
- provide the information in a format that allows a law enforcement agency to make the information available to a peace officer through a mobile data terminal; and
- promptly reflect any updated information, including modifications to a court's order, as necessary to ensure a defendant whose restriction or requirement has expired or been terminated is not indicated through the mobile data terminal as a person who is subject to such a restriction or requirement.

DPS must remove a defendant's name from the database on the expiration of the restriction or requirement for that defendant or on other notification that the restriction or requirement has been terminated. In lieu of creating a separate central database, DPS may incorporate the information regarding the defendant into an existing database or electronic record system maintained by DPS, provided that the existing database or system meets the requirements established by the bill for the central database.

H.B. 2733 removes the requirement for the community justice assistance division of the Texas Department of Criminal Justice to require each community supervision and corrections department to submit to DPS certain identifying information for each person restricted to the operation of a motor vehicle equipped with a device that uses a deep-lung breath analysis mechanism to make impractical the operation of the motor vehicle if ethyl alcohol is detected in the breath of the restricted operator. That removal applies only to a restriction imposed on or after January 1, 2022.

H.B. 2733 amends the Code of Criminal Procedure to authorize a magistrate to require as a condition of release on bond that a defendant charged with certain intoxication-related offenses submit to alcohol monitoring through the use of an alcohol monitoring device other than an ignition interlock device. The cost of the alcohol monitoring may be assessed as a reimbursement fee or ordered paid directly by the defendant as a condition of bond. The bill authorizes the magistrate to revoke the bond and order the defendant arrested if the defendant violates a condition of alcohol monitoring, refuses to submit to alcohol monitoring, or fails to pay the reimbursement fee for alcohol monitoring.

H.B. 2733 requires a peace officer to make a report to DPS if the officer has reasonable cause to believe that a person has violated a condition of bond, a condition of community supervision, a condition of holding an occupational driver's license, or a court order restricting the person to the operation of a motor vehicle equipped with an ignition interlock device or requiring the person to submit to alcohol monitoring through the use of an alcohol monitoring device other than an ignition interlock device, as applicable. A peace officer is not required to comply with that requirement before January 1, 2022.

H.B. 2733 amends the Government Code to require DPS, on receipt of such a report from a peace officer, to consult the central database to determine whether the person is subject to an ignition interlock restriction or an alcohol monitoring requirement. If DPS determines that the person is subject to such a restriction or requirement, DPS must notify the court that imposed the restriction or requirement of the suspected violation.

H.B. 2733 amends the Code of Criminal Procedure, Government Code, Penal Code, and Transportation Code to set out provisions establishing the circumstances under which a magistrate, court, court clerk, or judge, as applicable, are required to submit to DPS for inclusion in the central database applicable information and documentation regarding defendants who are restricted to the use of a motor vehicle equipped with an ignition interlock device or required to submit to alcohol monitoring through the use of an alcohol monitoring device other than an ignition interlock device on or after January 1, 2022.

EFFECTIVE DATE

September 1, 2021.