

SUBJECT: Fees to cover verification and monitoring of court-ordered ignition interlocks

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 7 ayes — Hinojosa, Dunnam, Garcia, Keel, Smith, Talton, Wise

0 nays

2 absent — Green, Nixon

SENATE VOTE: On final passage, Local and Uncontested Calendar, March 30 — 30-0

WITNESSES: No public hearing

BACKGROUND: Judges who suspend the driver's licenses of certain repeat offenders who are convicted of driving while intoxicated (DWI), intoxication assault, or intoxication manslaughter must restrict these persons to operating only motor vehicles equipped with ignition interlock devices.

An ignition interlock device uses deep-lung breath analysis mechanisms to prevent the operation of a motor vehicle if the device detects ethyl alcohol in the breath of the vehicle operator.

The judge or magistrate ordering the interlock device can designate an appropriate agency to verify the installation of the device and monitor its use. These agencies include community supervision and corrections departments, pre-trial services divisions, or county sheriffs.

DIGEST: SB 205 would require defendants to pay monthly fees to the designated monitoring agency when the installation of an ignition interlock device was verified and each time it was monitored by the agency. The amount of the fee would be determined by the county auditor or the county commissioners court in counties without an auditor. The fee would be sufficient to cover costs, but could not exceed \$10.

SB 205 would take effect September 1, 1999.

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**SUPPORTERS
SAY:**

Counties must absorb the cost of verification and monitoring for the 8,000 interlock devices ordered each year. This cost should be borne by defendants, not the taxpayers, since irresponsible driving is the reason the interlock devices are necessary. SB 205 would make drunk drivers pay for the cost of keeping the highways safe.

A fee of \$10 or less per month would not be onerous since the defendant already has to pay the cost of buying or leasing and installing the interlock device. Leasing costs can start at \$2 per day. Purchase prices for interlock devices can be \$129 or more.

**OPPONENTS
SAY:**

SB 205 could have an unfair impact on low-income defendants who could not afford to pay monthly fees on top of the cost of the ignition interlock device.