

SUBJECT: Canceling certain reports to TDCJ on the use of ignition interlock devices

COMMITTEE: Corrections — favorable, without amendment

VOTE: 7 ayes — Haggerty, Farrar, Allen, Hodge, Gray, Hopson, Ritter

0 nays

2 absent — Ellis, Isett

WITNESSES: For — None

Against — None

On — Bonita White, Texas Department of Criminal Justice – Community Justice Assistance Division

BACKGROUND: Government Code, sec. 509.004 requires community supervision and corrections departments (CSCDs), also known as probation departments, to report certain information to the Texas Department of Criminal Justice – Community Justice Assistance Division (CJAD).

The 75th Legislature in 1997 enacted SB 898 by Harris, which amended sec. 509.004 to require that CSCDs submit periodic data on the required use among probationers of interlock ignition systems, defined as “deep-lung breath analysis mechanisms to make impractical the operation of a motor vehicle if ethyl alcohol is detected in the breath of the operator.” Required information about the use of these systems includes:

- ! the number in use;
- ! the number of violations detected;
- ! malfunctions of the interlock devices; and
- ! attempts to circumvent the devices.

SB 898 also required the CSCDs to submit to the Department of Public Safety (DPS) the name, address, date of birth, social security number, and driver’s license number of each person restricted to operating a motor vehicle equipped with an ignition interlock device.

Transportation Code, sec. 521.2476 requires vendors of ignition interlock devices to:

- ! install and inspect the device in accordance with any applicable court order;
- ! submit a written report of any violation of a court order to that court and to the person's supervising officer within 48 hours;
- ! maintain a record for at least five years after installation of each action the vendor takes with respect to installed devices, including each action taken as a result of an attempt to circumvent the device; and
- ! send a copy of the record to any court, supervising officer, or DPS on request or make a copy of the record available for inspection.

DIGEST: HB 1075 would amend Government Code, sec. 509.004 to remove the requirement that probation departments report information about the use of ignition interlock devices to CJAD.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2001.

SUPPORTERS SAY: HB 1075 would end duplicative reporting caused by an overlap in Texas law. Probation departments are required to send information about ignition interlock devices to both CJAD and DPS. CJAD plays no role in revoking probation — something that is done at the local level — and it does not have a central reporting system for the data. It would make better sense for DPS to serve as the central repository of this data. DPS has access to more accurate information because, in addition to the CSCD reporting, the Transportation Code requires interlock device vendors to report violations of court orders to the court and to the probationer's supervising officer and to maintain records of malfunctions and make those records available to DPS and the courts. DPS also is required to establish minimum standards for vendors of ignition interlock devices, to approve the devices, and to evaluate them annually.

HB 1075 would save CJAD approximately 40 hours of staff labor per year, according to the agency's estimate. This manpower could be used more effectively on other projects.

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OPPONENTS SAY: HB 1075 would move in the right direction by reducing CJAD's workload, but it should not eliminate the agency's ability to obtain information about probationers' use of ignition interlock devices. The bill should allow CJAD to access, upon request, information about ignition interlock devices that probation departments submit to DPS.