

- SUBJECT:** Requiring a DPS database for defendants subject to alcohol monitoring
- COMMITTEE:** Homeland Security and Public Safety — favorable, without amendment
- VOTE:** 9 ayes — White, Bowers, Goodwin, Harless, Hefner, E. Morales, Patterson, Schaefer, Tinderholt
- 0 nays
- WITNESSES:** For — (*Registered, but did not testify:* Jennifer Szimanski, CLEAT; Noel Johnson, JPCA; Jimmy Rodriguez, San Antonio Police Officers Association; AJ Louderback, Sheriffs Association of Texas; Dee Chambless, Smith County Republican Women; Johnathan Dallas Reed, Texas Municipal Police Association; Shelia Franklin, True Texas Project; and seven individuals)
- Against — (*Registered, but did not testify:* Elizabeth Doyel)
- On — Jason Hester, Texas Department of Public Safety
- BACKGROUND:** Interested parties note that compliance with court-ordered alcohol monitoring would increase if there were a database for peace officers to determine if a driver pulled over during a traffic stop was required to have an ignition interlock device due to the driver's involvement with an alcohol or drug offense.
- DIGEST:** HB 2733 would require courts, magistrates, and judges to provide the Texas Department of Public Safety (DPS) with information about defendants who were restricted as a condition of bond, conviction, or community supervision to operating a motor vehicle with an ignition interlock device or required to use any other alcohol monitoring device. DPS would be required to maintain this information in a database that could be made available to a peace officer through a mobile data terminal. The database would have to be created before January 1, 2022.

Database. The database would include name, birth date, and driver's

license number for each defendant subject to an ignition interlock restriction or alcohol monitoring requirement in a format that allowed a law enforcement agency to make the information available to a peace officer through a mobile data terminal. The database would have to promptly reflect certain updated information as specified in the bill.

A defendant's name would have to be removed upon the expiration or termination of the restriction or requirement.

In lieu of creating the database, DPS could comply by incorporating the database requirement into an existing database or electronic record system it maintained.

Reporting requirements. HB 2733 would require a peace officer to make a report to DPS if the officer had reasonable cause to believe that a person had violated a condition of bond, a condition of community supervision, or a court order restricting the person to the operation of a motor vehicle equipped with an ignition interlock device or alcohol monitoring through another device.

The Texas Department of Criminal Justice would no longer have to require local probation departments to provide DPS with information about persons prohibited from operating a motor vehicle without an alcohol monitoring device.

HB 2733 would apply only to a court order for an ignition interlock device or other alcohol monitoring device, an indictment or information, or a restriction that was imposed on or after January 1, 2022.

The bill would take effect September 1, 2021.