

BILL ANALYSIS

Senate Research Center
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S.B. 879
By: Whitmire
Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 879 allows a magistrate, as an element of granting a bond in a driving while intoxicated criminal case, to designate the Community Supervision and Corrections Department (department) that serves the county to verify the installation of a vehicle alcohol detection device and monitor during the bond period.

Currently, a judge ordering an ignition interlock as a condition of bond may order an appropriate agency to verify installation and monitor compliance. The judge may order the defendant to pay a fee set by the commissioners court or county auditor not to exceed \$10.

The proposed amendment gives a judge the option of ordering the local department to verify and monitor installation and to charge a monthly supervision fee set by the judge as provided in Section 76.015 (Administrative Fee), Government Code.

This change increases a magistrate's ability to provide for public safety in the grant of a driving while intoxicated bond.

In many counties an appropriate agency is not available; this bill simply includes the department which serves that county as an appropriate agency.

As proposed, S.B. 879 amends current law relating to a local community supervision and corrections department monitoring certain conditions of bond and the administrative fees associated with certain department services.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 17.441, Code of Criminal Justice, by adding Subsection (e), as follows:

(e) Authorizes the magistrate, if the magistrate designates the community supervision and corrections department (CSCD) serving the county in which the defendant lives as the designated agency to verify installation of the device and to monitor the device under Subsection (d) (relating to authorizing the magistrate to verify installation of an alcohol detection device and to monitor the device), to require the defendant to pay a monthly administrative fee under Section 76.015, Government Code, in lieu of the fee otherwise required under Subsection (d). Requires the defendant to pay the initial fee under Section 76.015, Government Code, at the time CSCD verifies the installation of the device.

SECTION 2. Amends Section 76.015(c), Government Code, as follows:

(c) Authorizes CSCD to assess a reasonable administrative fee of not less than \$25 and not more than \$60, rather than \$40, per month on an individual who participates in a

CSCD program or receives CSCD services and who is not paying a monthly fee under Section 19 (Fees), Article 42.12, Code of Criminal Procedure.

SECTION 3. Amends Section 103.0211, Government Code, to make a conforming change.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2011.