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FISCAL IMPACT REPORT

SPONSOR Cravens DATE TYPED 02/10/05 HB _____

SHORT TITLE One-Year Interlocks for Repeat DWI Offenders SB 154/aSPAC

ANALYST Ford

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
			Indeterminate	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to

SB 109

SB 268

Conflicts with

HB 282

HB 502

HB 506

SB 187

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Administrative Office of the District Attorneys (AODA)

Department of Health (DOH)

Department of Public Safety (DPS)

Department of Transportation (DOT)

Public Defender Department (PDD)

Taxation and Revenue Department (TRD)

SUMMARY

Synopsis of SPAC Amendment

The Senate Public Affairs Committee amendment added a requirement that a plea agreement for a first-time aggravated DWI offender include a 1-year ignition interlock device requirement.

Synopsis of Original Bill

Senate Bill 154 requires that a plea agreement for a subsequent DWI offense include a 1-year ignition interlock device requirement

Significant Issues

Under current law, subsequent offenders can plead to a first offense. Current law requires ignition interlocks for all subsequent offenders, but not for first-time offenders. Senate Bill 154 would close the loophole by which subsequent offenders avoid the ignition interlock requirement.

PERFORMANCE IMPLICATIONS

Both the Department of Transportation and the Department of Public Safety have performance measures related to reducing alcohol-related accidents, injuries and fatalities. To the extent that tougher ignition interlock device requirements prevent recidivism and/or serve as a deterrent, this bill could help the departments improve on their performance measures.

FISCAL IMPLICATIONS

Senate Bill 154 could result in minor cost increases to the courts. Offenders may be less likely to enter plea agreements, which would necessitate more jury trials.

The PDD notes that there would be additional need for funding for the ignition interlock device fund, which pays for the installation and 3 months of maintenance for indigent offenders.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Numerous bills have been introduced to address the DWI problem. Several of those bills propose conflicting changes to the mandatory license revocation provisions and ignition interlock device requirements, including House Bills 282, 502 and 506 and Senate Bill 187.

In addition, Senate Bill 268 makes changes to the local DWI grant fund and the ignition interlock device fund. Senate Bill 109 relates to license revocation for juveniles convicted of DWI.

OTHER SUBSTANTIVE ISSUES

AODA notes that this bill might infringe on district attorneys' discretion.

EF/sb