

BILL ANALYSIS

Senate Research Center

H.B. 2926
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Criminal Justice
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Engrossed

DIGEST AND PURPOSE

Under current law, a court is authorized to order a defendant placed on community supervision for alcohol related offenses to install in the motor vehicle of the defendant a deep-lung breath analysis mechanism to make impractical the operation of the motor vehicle if ethyl alcohol is detected in the breath of the operator of the vehicle. However, a court is only required to order the installation of the device for 50 percent of the time period of the community supervision and there are no current laws providing for the removal of these devices. H.B. 2926 extends the time period that a court is required to order a defendant convicted of certain alcohol related offenses to install the device in a motor vehicle and provides for the removal of the device.

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 Section 13 (i), Article 42.12, Code of Criminal Procedure, to authorize a court, if a person convicted of an offense under Sections 49.04 - 49.08, Penal Code, and is placed on community supervision, to require as a condition of community supervision that the defendant have a deep-lung breath analysis mechanism installed on certain vehicles. Requires the court to require the defendant to provide evidence to the court within the 30-day period that the device has been installed on the appropriate vehicle and order the device to remain installed on that vehicle until the expiration, rather than for a period not less than 50 percent, of the supervision period and to not be removed from the vehicle without a written order issued by the court. Prohibits a person from removing a device installed in a defendant's vehicle under this section unless the person holds a written order authorizing the removal issued by the court that ordered the device to be installed.

SECTION 2. Effective date: September 1, 2001.
Makes application of this Act prospective.