



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 521

PRINTERS NO. 1143

PRIME SPONSOR: Stephens

COST / (SAVINGS)

FUND	FY 2020/21	FY 2021/22
Motor License Fund	\$0	\$0
County Funds	\$0	\$0

SUMMARY: Amends Title 75 (Vehicle Code) to require a substance monitoring program evaluation for certain repeat DUI offenders. The changes to Section 3807 would take effect immediately; the amendments to 3807(b)(4) and 3814(4) would take effect in 60 days and the remainder of the legislation would take effect in 120 days.

ANALYSIS: This legislation amends the Vehicle Code to establish a substance monitoring program. A court is required to evaluate an individual for the suitability of a substance monitoring program as follows:

- As a condition or probation or parole when the individual is convicted of a DUI offense and has one or more prior offenses.
- As a condition of bail when the individual is pending adjudication for a DUI offense and has one or more prior offenses or is pending adjudication for two or more DUI offenses.

A court is provided the discretion to determine the devices, technologies and testing to be used for individuals who are ordered to participate in a substance monitoring program. When determining the devices, technologies and testing requirements, the court shall consider the individual's:

- prior offenses;
- most recent DUI violation;
- pending DUI violations;
- in consultation with the county, the devices available to and used by the county;
- ability to pay the costs of participation in the substance monitoring program, including costs associated with any required device or technology; and
- any other factor deemed appropriate by the court.

If the court orders an individual to participate in a substance monitoring program, the individual shall pay for costs associated with the individual's participation in the substance monitoring program, including costs associated with any required device or technology. An individual ordered to participate in a substance monitoring program may not be prevented from being released on bail, probation or parole solely because of their inability to pay the costs of the substance monitoring program.

An individual participating in a substance monitoring program shall be prohibited from the following while participating in the program:

- imbibing alcohol, using controlled substances, or both, as determined by the court;
- tampering with any device or technology required as part of the program; and
- failing to comply with any other requirement ordered by the court as part of the program.

The legislation also provides that before a defendant receives ARD for a DUI offense, the individual shall:

- admit that the Commonwealth's evidence would prove beyond a reasonable doubt that the individual violated section 3802;
- agree that the admission may be used as a prior conviction for the purpose of increasing the grading and penalty for a subsequent offense; and
- voluntarily waive the defendant's right to challenge the use of ARD for a prior conviction.

The legislation also provides that an assessment for drug and alcohol treatment shall also include the use of medication-assisted treatment in conjunction with behavioral therapies if the treatment is clinically appropriate.

FISCAL IMPACT: This legislation would have no adverse fiscal impact on Commonwealth or county funds.

PREPARED BY: Tim Rodrigo
House Appropriations Committee (R)

DATE: April 5, 2021

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.