Legislative Subcommittee
Meeting Minutes | May 13, 2019 @ 11:00 AM

1. **HB 3582 – Deferred Bill**
   - Debra: Passed the house unanimously and was dead. It was pretty interesting hearing and can go online to hear it. Despite the opposition testimony from probation departments, there was a proponent testimony from TDCAA and criminal defense bar, advocates from MADD, and law enforcement. The bill was passed out of committee unanimously. Senator Whitmire voted in favor of the bill. It was sent to the local and consent and put on intent calendar for today.
   - Committee substitute was adopted. MADD supported committee substitute. Allows nondisclosure for people – similar to Second Chances bill two years ago. Interlock is automatic, but after the judge has an alcohol and substance abuse evaluation, the judge can take the evaluation and decide it is in best interest of community and safety not to order an ignition interlock, but they have to do so on the record. Still needs to go to the house and have concurrence with the Committee Substitute, but there is plenty of time.
   - **Question**: If taking plea on deferred vs DWI, I can't just waive it. I have to go on probation first. Then do evaluation, and then come back and waive it?
      - Unsure.
   - **Question**: At what point do you have substance evaluation - before plea?
      - Not normally. Can have pre-trial services do it. Then, you would know when you took the plea.
      - If you have someone requesting the waiver, you would want them to get it done before the plea, but you could either grant or deny that request. Wouldn't have to do it on every one.
   - Debra will forward the substitute over to us.
   - **Question**: What is probation's objection to it?
      - When first time offenders are ordered to interlock, there is the perception that you make them worse offenders. Probation has also argued that they don't have the staff to monitor people.
   - Debra: They did have some calls from judges against it. But, there was a list of about 50 district attorneys in favor of it. Many judges thought it would be a helpful tool to have.
   - **Summary**: Passed the house unanimously and was dead. Senate criminal justice got a hearing. Testimony from probation departments that are against it because they don't feel like they have the staff to monitor and they believe you will make people "worse offenders." MADD and LE spoke in favor. As of 5/13/19 placed on local and & uncontested calendar.

2. **HB 156 – Pretrial**
   - Debra: Looks good for passage that allows condition of bond to have departments assess a fee to monitor interlock offenders.
   - **Question:** The Department could assess a fee to oversee bond conditions, but they already can under Gov't code 76015. They can assess a fee for any court order they supervise. But the JPs didn't have the authority to order the department to do it, so they entered into an agreement with them. Which is what they've done in McLennan County. How is that language different from the government code?
     - Debra: It amends 76015.

3. **HB 364 –**
   - Debra: Would have required TxDPS keep a registry of people needing to have interlock, so that law enforcement made stops, they would know who needed to have it.
   - Doesn't look like it will get a hearing on the Senate side. It passed House and is not going to hearing.
   - **Question:** This would've required JPs to send in interlock orders to TxDPS for registration?
     - Yes. Clerk of the Courts would. All the courts would.

4. **SB 616 –**
   - Transfers supervision of driver's license programs to Department of Motor Vehicles.
     - Debra: This bill looks like it will pass the House. Has come out of the committee.
     - HB 1530 – Never got a hearing.

5. **HB 2048** - Repealing Surcharges
   - Weiser: Thinks it will pass.
   - Randy: In the House, it passed 143-0.

6. **Decriminalization of Marijuana –**
   - Hodges: Will not get a hearing. Looks like it's dead.

7. **HB 2020 – (Originally Companion Bill SB 2241)**
   - Randy: All the bond reform stuff is probably dead. Turned pretrial risk assessment stuff "inside out." Among other things, if you have a bail schedule, you don't have to do a pre-trial risk assessment. Went for third reading on Friday, but it's likely to get stripped out in the Senate. Stuff that was introduced to kill the bail reform movement and require pre-trial risk assessment – this still has some breath. Not sure the status as of today.
   - Received in Senate today. Passed the House 83-51, but with Longoria's amendment. But, the expectation is that everything that was put last week will be stripped out (i.e., Longoria's amendment, which basically says you don't need pre-trial risk assessment because there is bail schedule.)

8. **HB 849 (HB 849 [was filed for regulation an taxation] had a companion bill, SB 455)**
   - Nicole: TST had been working HB 1601 (ban bill). We had the vote to pass ban bill on House side, but it has not been brought up for vote.
   - "Lt. Blenders" has obtained federal permit to sell powdered alcohol in Texas. Once you have a federal permit, then the State has to give you a permit -- unless the product has been banned. So, technically the product could be sold in Texas right now. To our knowledge, the product is being sold nowhere.
   - All bills have died in committee.

9. **HB ?? –**
   - Nicole: Unsure of the HB #. But, it made its way to House calendars - Would've stripped all local authority to pass local ordinances, like smoke-free ordinances and social host ordinances to regulate or forbid K-2. It would've stripped communities' rights from being able to do local ordinances.
   - Nicole: Will figure out HB #.
   - Question: Was the purpose of the bill to keep cities from designating themselves as sanctuary cities?
     - May have been going after Uber bans, plastic bag bans – etc. It covered a lot of territory.

Action Items:

- Paige will get with Clay for his updates/additions to meeting notes, and will re-share with everyone.
- Look to meet again before October 2019 TxIDTF meeting with a deep analysis/dive into bills that have passed.

Members in Attendance

- David Hodges
- Randy Sarosdy
- Ned Minevitz
- Laura Weiser
- Nicole Holt
- Debra Coffey
- Paige Ericson-Graber (TxIDTF Administration)