

## **BILL ANALYSIS**

C.S.H.B. 2500  
By: Harper-Brown  
Transportation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently, peace officers operating under Chapter 452 of the Transportation Code (Dallas Area Rapid Transit) conduct fare inspections and issue citations to individuals who do not show proof of payment to ride bus and/or rail services. Citations issued for fare evasion represent a theft of service of \$2. Citations are coded as Theft of Service under \$20.00, pursuant to the Texas Penal Code §31.04.

The offense for Theft of Service under \$20.00 is a Class C misdemeanor and under the Texas Penal Code §12.23, an individual found guilty of a Class C misdemeanor shall pay a fine not to exceed \$500.00. A final conviction for theft of service would include approximately \$175.00 for fine and court costs and is considered a crime of moral turpitude. Convictions for crimes of moral turpitude can affect an individual's employment and professional opportunities. In addition, a class C misdemeanor conviction for theft absolutely disqualifies a person from criminal jury service.

CSHB 2500 authorizes transportation authorities operating under Chapter 452 (Dallas Area Rapid Transit and Fort Worth Transportation Authority) to conduct fare inspections and if necessary issue citations under the Texas Transportation Code, not the Texas Penal Code. Offenses under the Texas Transportation Code will still be Class C misdemeanors, however any convictions under the Texas Transportation Code will not be considered crimes of moral turpitude.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

SECTION 1. Amends Subchapter B, Chapter 452, Transportation code and adds new Section 452.0611. ENFORCEMENT OF FARES AND OTHER CHARGES; PENALTIES: (a) Specifies that if a person does not possess evidence of paying a fare on a public transportation system operating under this chapter, an executive committee may prohibit that person from using the public transportation system and can establish methods to ensure that persons using the public transportation system pay the appropriate fare.

(b) Allows the executive committee to provide for a penalty not to exceed \$100 if a fare or charge is not paid.

(c) Authorizes the authority to post signs designating each area in which a person is prohibited from using the transportation system without possession of evidence showing that the appropriate fare has been paid.

(d) (1) Specifies that it is an offense if a person uses the public transportation system without paying the appropriate fare and then (2) fails to pay the appropriate fare or other charge and penalty on or before the 30th day after notification by the authority that the person must pay the amount of the fare or charge and the penalty.

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(e) Provides that the notice required by Subsection (d) (2) may be included in a citation issued to that person.

(f) Provides that this offense is a Class C misdemeanor.

SECTION 2: Amends Article 55.01, Code of Criminal Procedure, by adding subsection (e) allowing a district court to expunge records and files relating to an arrest if the offense falls under Section 452.061, Transportation Code, or a Class C misdemeanor arises out of nonpayment of fees.

**EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.

**COMPARISON OF ORIGINAL TO SUBSTITUTE**

The DRAFT substitute for HB 2500 differs from the original bill by adding a new SECTION 2 that amends the Code of Criminal procedure to allow a person arrested for riding a public transportation system without paying the fare the right to expunge their records and files relating to the misdemeanor.

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