

BILL ANALYSIS

H.B. 3888
By: Gattis
Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Statutory county courts and certain judicial district courts, in jurisdictions where there are no statutory county courts, handle many cases involving driver's license-related offenses. The Transportation Code has several provisions concerning the revocation or suspension of a driver's license. For instance, an operator of a motor vehicle can have his or her driver's license suspended for driving while intoxicated. Additionally, current law provides that monetary surcharges can be assessed for the conviction of certain intoxicated driver offenses with a portion of the monies collected from the surcharges going towards the funding of trauma centers. While the money collected from these surcharges has increased trauma center funding it has also greatly increased the dockets of these trial courts.

House Bill 3888 seeks to help alleviate some of the docket pressure on these statutory county courts and district courts, as described above, by reducing the penalty for a first offense of driving with an invalid license to a Class C misdemeanor instead of the current penalty which includes both a fine and confinement in the county jail. An individual adjudged guilty of a Class C misdemeanor shall be punished by a fine not to exceed \$500. Thus, some of the burgeoning traffic-related dockets currently handled by the aforementioned courts can be shifted to the justice of the peace courts or municipal courts.

House Bill 3888 also reduces the criminal penalty from a Class A misdemeanor to a Class B misdemeanor on a second conviction of driving with an invalid license, if it was shown on the trial that the person had a prior conviction of either the offense of driving with an invalid license or of an offense under Section 601.371(a), Transportation Code, as that law existed before September 1, 2003. The bill also provides that it is a Class A misdemeanor if it is shown on the trial of an offense of driving with an invalid license that the person has previously been convicted twice or more of such an offense or an offense under Section 601.371(a), Transportation Code, as that law existed before September 1, 2003.

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

House Bill 3888 amends Section 521.457, Transportation Code. The bill reduces the penalty for a first offense of driving with an invalid license from a monetary fine and confinement in the county jail to a Class C misdemeanor offense which is punishable by a fine only, not to exceed \$500. The bill reduces the criminal penalty from a Class A misdemeanor to a Class B misdemeanor on a second conviction of the offense of driving with an invalid license, if it was shown on the trial that the person had a prior conviction of either the offense of driving with an invalid license or of an offense under Section 601.371(a), Transportation Code, as that law existed before September 1, 2003. The bill also provides that it is a Class A misdemeanor if it is shown on the trial of an offense of driving with an invalid license that the person has previously been convicted twice or more of such an offense or an offense under Section 601.371(a), Transportation Code, as that law existed before September 1, 2003.

House Bill 3888 provides that the change in law made by this Act applies only to an offense committed on or after September 1, 2007. The bill also provides that an offense committed before September 1, 2007, is covered by the law in effect when the offense was committed, and

the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before September 1, 2007, if any element of the offense was committed before that date.

House Bill 3888 provides that this Act takes effect September 1, 2007.

EFFECTIVE DATE

September 1, 2007.