

By: Vaught, Kent, King of Taylor, Gattis,
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H.B. No. 2012

A BILL TO BE ENTITLED

AN ACT

relating to the criminal consequences of operating without a valid driver's license a motor vehicle for which financial responsibility is not established.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act shall be known as Eric's Law.

SECTION 2. Section 521.457, Transportation Code, is amended by amending Subsections (e) and (f) and adding Subsection (f-2) to read as follows:

(e) Except as provided by Subsections (f), ~~[and]~~ (f-1), and (f-2), an offense under this section is a Class C misdemeanor.

(f) An offense under this section is a Class B misdemeanor if [If] it is shown on the trial of the [an] offense [~~under this section~~] that the person:

(1) has previously been convicted of an offense under this section or an offense under Section 601.371(a), as that law existed before September 1, 2003; or

(2) at the time of the offense, was operating the motor vehicle in violation of Section 601.191 [~~, the offense is a Class B misdemeanor]~~.

(f-2) An offense under this section is a felony of the third degree if it is shown on the trial of the offense that at the time of the offense the person was operating the motor vehicle in violation of Section 601.191 and caused or was at fault in a motor vehicle

1 accident that resulted in serious bodily injury to or the death of
2 another person.

3 SECTION 3. (a) The Legislative Budget Board shall prepare
4 an annual criminal justice policy impact statement for this Act.

5 (b) The impact statement must include information
6 concerning:

7 (1) the number of arrests and resulting criminal
8 dispositions under this Act;

9 (2) the fiscal impact of arrests, trials, convictions,
10 and imprisoning or imposing other sanctions on persons in
11 accordance with this Act;

12 (3) the race and ethnicity of persons arrested,
13 prosecuted, convicted, and incarcerated under this Act;

14 (4) the impact of this Act on existing correctional
15 facilities, as defined by Section 1.07, Penal Code;

16 (5) the likelihood that this Act may create a need for
17 additional prison capacity;

18 (6) civil action damages assessed and collected, and
19 assets seized and forfeited under this Act; and

20 (7) any other matter the Legislative Budget Board
21 determines relevant.

22 (c) The Legislative Budget Board shall complete the impact
23 statement not later than December 1 each year, beginning December
24 1, 2010, and make it available to the public on its website.

25 SECTION 4. The change in law made by this Act applies only
26 to an offense committed on or after the effective date of this Act.
27 An offense committed before the effective date of this Act is

1 governed by the law in effect when the offense was committed, and
2 the former law is continued in effect for that purpose. For the
3 purposes of this section, an offense was committed before the
4 effective date of this Act if any element of the offense was
5 committed before that date.

6 SECTION 5. This Act takes effect September 1, 2009.