

SENATE AMENDMENTS

2nd Printing

By: Vaught, Kent, King of Taylor, Gattis,
Bohac

H.B. No. 2012

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

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

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

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

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

21 (f-2) An offense under this section is a felony of the third
22 degree if it is shown on the trial of the offense that at the time of
23 the offense the person was operating the motor vehicle in violation
24 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

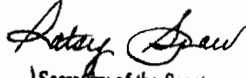
H.B. No. 2012

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.

ADOPTED

MAY 27 2009


Secretary of the Senate

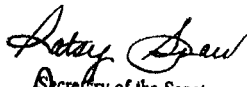
FLOOR AMENDMENT NO. _____

BY:  _____

- 1 Amend H.B. No. 2012 (Senate committee printing) by striking
- 2 SECTION 3 of the bill (page 1, line 42 through page 2, line 3) and
- 3 renumbering subsequent SECTIONS accordingly.

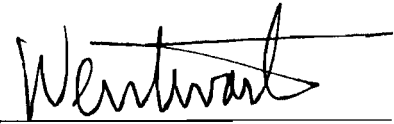
ADOPTED

MAY 27 2009


Secretary of the Senate

FLOOR AMENDMENT NO. _____

BY:



1 Amend H.B. No. 2012 (Senate committee printing) by adding the
2 following SECTION to the bill, appropriately numbered, and
3 renumbering subsequent SECTIONS accordingly:

4 SECTION ____ . Section 545.401, Transportation Code, is
5 amended by amending Subsection (b) and adding Subsections (e), (f),
6 (g), and (h) to read as follows:

7 (b) Except as provided by Subsection (e), an [An] offense
8 under this section is a misdemeanor punishable by:

9 (1) a fine not to exceed \$200;

10 (2) confinement in county jail for not more than 30
11 days; or

12 (3) both the fine and the confinement.

13 (e) If an offense under this section results in the serious
14 bodily injury or death of an operator or passenger of another motor
15 vehicle, the offense is a Class B misdemeanor.

16 (f) The court may:

17 (1) order that the driver's license of a person
18 convicted of an offense under Subsection (e) be suspended for not
19 less than 30 days beginning on the date of conviction; and

20 (2) require the person to attend and present proof
21 that the person successfully completed a driving safety course
22 approved under Chapter 1001, Education Code, before the person's
23 driver's license may be reinstated.

24 (g) A judge, acting under Article 42.12, Code of Criminal
25 Procedure, who elects to place a defendant on community supervision
26 under that article may require the defendant to attend and present
27 proof that the defendant successfully completed a driving safety
28 course approved under Chapter 1001, Education Code.

29 (h) A person who is subject to prosecution under both this

- 1 section and another section of this or any other code may be
2 prosecuted under either or both sections.

ADOPTED

MAY 27 2009

Atty. Gen.
Secretary of the Senate

COMMITTEE AMENDMENT NO. 1

BY: *Shyne*

1 Amend the proposed House Bill No. 2012 in SECTION 3 of the
2 bill, by striking amended Section (c), (page 2, lines 22 through
3 24).

ADOPTED

MAY 27 2009

Arlene Spaw
Secretary of the Senate

COMMITTEE AMENDMENT NO. 2

BY: *Carron*

1 Amend the proposed House Bill No. 2012 in SECTION 2, of the
2 bill, by striking the words "felony of the third degree" (page
3 1, lines 21 and 22) and replacing those words with the words
4 "Class A misdemeanor".

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LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 28, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2012 by Vaught (Relating to the criminal consequences of operating without a valid driver's license a motor vehicle for which financial responsibility is not established.), As Passed 2nd House

No significant fiscal implication to the State is anticipated.

The bill would amend Section 521.457 of the Transportation Code to stipulate that a person commits a Class B misdemeanor if a person commits an offense of driving without a valid driver's license and at the time is also operating a motor vehicle without maintaining liability insurance. If at the time a person is driving without a valid driver's license, that person causes or is at fault in a motor vehicle accident that results in serious bodily injury to or the death of another and is driving without maintaining liability insurance, the offense would be a Class A misdemeanor. The punishment for a Class B misdemeanor is a fine not to exceed \$2,000, confinement in jail for a term not to exceed 180 days, or both. The punishment for a Class A misdemeanor is a fine not to exceed \$4,000; confinement in jail for a term not to exceed one year; or both a fine and confinement. It is anticipated that unless the increased offense level applies to a high number of the offenses committed, there would be no significant fiscal impact.

The bill would amend Section 545.401 of the Transportation Code to enhance the level of punishment for the offense of reckless driving if the offense results in the serious bodily injury or death of an operator or passenger of another motor vehicle. Costs of enforcement and confinement of an offender and revenue gains from the proposed increase in fines are not anticipated to have a significant fiscal impact to the state or units of local government.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety

LBB Staff: JOB, KJG, MS, DB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 22, 2009

TO: Honorable John Carona, Chair, Senate Committee on Transportation & Homeland Security

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2012 by Vaught (Relating to the criminal consequences of operating without a valid driver's license a motor vehicle for which financial responsibility is not established.),
Committee Report 2nd House, As Amended

No significant fiscal implication to the State is anticipated.

The bill would amend Section 521.457 of the Transportation Code to stipulate that a person commits a Class B misdemeanor if a person commits an offense of driving without a valid driver's license and at the time is also operating a motor vehicle without maintaining liability insurance. If at the time a person is driving without a valid driver's license, that person causes or is at fault in a motor vehicle accident that results in serious bodily injury to or the death of another and is driving without maintaining liability insurance, the offense would be a Class A misdemeanor. The bill would require the Legislative Budget Board to prepare an annual criminal justice policy impact statement relating to the offense of driving without a valid driver's license.

The punishment for a Class B misdemeanor is a fine not to exceed \$2,000, confinement in jail for a term not to exceed 180 days, or both. The punishment for a Class A misdemeanor is a fine not to exceed \$4,000; confinement in jail for a term not to exceed one year; or both a fine and confinement.

It is anticipated that unless the increased offense level applies to a high number of the offenses committed, there would be no significant fiscal impact.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety

LBB Staff: JOB, KJG, MS, DB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 19, 2009

TO: Honorable John Carona, Chair, Senate Committee on Transportation & Homeland Security

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2012 by Vaught (Relating to the criminal consequences of operating without a valid driver's license a motor vehicle for which financial responsibility is not established.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend Section 521.457 of the Transportation Code to stipulate that a person commits a Class B misdemeanor if a person commits an offense of driving without a valid driver's license and at the time is also operating a motor vehicle without maintaining liability insurance. If at the time a person is driving without a valid driver's license, that person causes or is at fault in a motor vehicle accident that results in serious bodily injury to or the death of another and is driving without maintaining liability insurance, the offense would be a third degree felony. The bill would require the Legislative Budget Board to prepare an annual criminal justice policy impact statement relating to the offense of driving without a valid driver's license.

The punishment for a Class B misdemeanor is a fine not to exceed \$2,000, confinement in jail for a term not to exceed 180 days, or both. The punishment for a third degree felony is imprisonment in the institutional division of the Texas Department of Criminal Justice for any term of not more than 10 years or less than 2 years and may include a fine not to exceed \$10,000.

It is anticipated that unless the increased offense level applies to a high number of the offenses committed, there would be no significant fiscal impact.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety

LBB Staff: JOB, KJG, MS, DB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 13, 2009

TO: Honorable Joseph Pickett, Chair, House Committee on Transportation

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2012 by Vaught (Relating to the criminal consequences of operating without a valid driver's license a motor vehicle for which financial responsibility is not established.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend Section 521.457 of the Transportation Code to stipulate that a person commits a Class B misdemeanor if a person commits an offense of driving without a valid driver's license and at the time is also operating a motor vehicle without maintaining liability insurance. If at the time a person is driving without a valid driver's license, that person causes or is at fault in a motor vehicle accident that results in serious bodily injury to or the death of another and is driving without maintaining liability insurance, the offense would be a third degree felony.

The punishment for a Class B misdemeanor is a fine not to exceed \$2,000, confinement in jail for a term not to exceed 180 days, or both. The punishment for a third degree felony is imprisonment in the institutional division of the Texas Department of Criminal Justice for any term of not more than 10 years or less than 2 years and may include a fine not to exceed \$10,000.

It is anticipated that unless the increased offense level applies to a high number of the offenses committed, there would be no significant fiscal impact.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety

LBB Staff: JOB, KJG, DB

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

81ST LEGISLATIVE REGULAR SESSION

May 22, 2009

TO: Honorable John Carona, Chair, Senate Committee on Transportation & Homeland Security

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2012 by Vaught (Relating to the criminal consequences of operating without a valid driver's license a motor vehicle for which financial responsibility is not established.),
Committee Report 2nd House, As Amended

The bill would amend the Transportation Code to make driving without a valid driver's license and without motor vehicle liability insurance punishable as a Class B misdemeanor. Driving without a valid driver's license and without motor vehicle liability insurance would be punishable as Class A misdemeanor if the person caused or was at fault in an accident resulting in serious bodily injury or death of another person.

It is assumed the number of persons convicted under this statute would not result in a significant impact on programs and workload of state corrections agencies or on the demand for resources and services of those agencies.

Source Agencies:

LBB Staff: JOB, KJG, GG, LM, TMP

LEGISLATIVE BUDGET BOARD

Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

81ST LEGISLATIVE REGULAR SESSION

May 20, 2009

TO: Honorable John Carona, Chair, Senate Committee on Transportation & Homeland Security

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2012 by Vaught (Relating to the criminal consequences of operating without a valid driver's license a motor vehicle for which financial responsibility is not established.), **As Engrossed**

The bill would amend the Transportation Code to make driving without a valid driver's license and without motor vehicle liability insurance punishable as a Class B misdemeanor. Driving without a valid driver's license and without motor vehicle liability insurance would be punishable as a felony of the third degree if the person caused or was at fault in an accident resulting in serious bodily injury or death of another person.

It is assumed the number of persons convicted under this statute would not result in a significant impact on programs and workload of state corrections agencies or on the demand for resources and services of those agencies.

Source Agencies:

LBB Staff: JOB, GG, LM, TMP

