

1-1 By: Price (Senate Sponsor - Seliger) H.B. No. 1294
1-2 (In the Senate - Received from the House April 29, 2013;
1-3 April 30, 2013, read first time and referred to Committee on
1-4 Criminal Justice; May 9, 2013, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-6 May 9, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Whitmire	X		
1-10	Huffman	X		
1-11	Carona	X		
1-12	Hinojosa	X		
1-13	Patrick	X		
1-14	Rodriguez	X		
1-15	Schwertner	X		

1-16 COMMITTEE SUBSTITUTE FOR H.B. No. 1294 By: Schwertner

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the dismissal of a charge for the offense of failing to
1-20 secure a child in a child passenger safety seat system.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. The heading to Section 545.4121, Transportation
1-23 Code, is amended to read as follows:

1-24 Sec. 545.4121. DISMISSAL ~~[DEFENSE]~~; OBTAINING ~~[POSSESSION~~
1-25 ~~OF]~~ CHILD PASSENGER SAFETY SEAT SYSTEM.

1-26 SECTION 2. Section 545.4121(b), Transportation Code, is
1-27 amended to read as follows:

1-28 (b) It is a defense to prosecution of an offense to which
1-29 this section applies that the defendant provides to the court
1-30 evidence satisfactory to the court that:

1-31 (1) at the time of the offense:

1-32 (A) the defendant was not arrested or issued a
1-33 citation for violation of any other offense;

1-34 (B) the defendant did not possess a child
1-35 passenger safety seat system in the vehicle; and

1-36 (C) the vehicle the defendant was operating was
1-37 not involved in an accident; and

1-38 (2) subsequent to the time of the offense, the
1-39 defendant obtained ~~[the defendant possesses]~~ an appropriate child
1-40 passenger safety seat system for each child required to be secured
1-41 in a child passenger safety seat system under Section 545.412(a).

1-42 SECTION 3. The change in law made by this Act applies only
1-43 to an offense committed on or after the effective date of this Act.
1-44 An offense committed before the effective date of this Act is
1-45 governed by the law in effect on the date the offense was committed,
1-46 and the former law is continued in effect for that purpose. For
1-47 purposes of this section, an offense was committed before the
1-48 effective date of this Act if any element of the offense occurred
1-49 before that date.

1-50 SECTION 4. This Act takes effect September 1, 2013.

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