

BILL ANALYSIS

H.B. 769
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Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

On its own, driving with an invalid driver's license (DWLI) is a fine-only Class C misdemeanor offense. However, state law provides for the enhancement of the penalty for this offense to a Class B misdemeanor, warranting up to six months in jail and a \$2,000 fine under certain circumstances. According to data from the Department of Public Safety, thousands of Texans are arrested and jailed each year for DWLI, some because they could not afford expensive surcharges based on minor driving infractions. Not only is this detrimental to the individuals sentenced to jail time, but taxpayers are also left footing the bill. H.B. 769 seeks to eliminate the Class B misdemeanor enhancement for DWLI to allow county courts to focus on more serious offenses and prevent Texans from accumulating debt and criminal penalties that keep them from achieving financial security.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

H.B. 769 repeals Section 521.457(f), Transportation Code, which enhances the penalty for driving with an invalid driver's license (DWLI) from a Class C misdemeanor to a Class B misdemeanor if it has been shown on the trial of the offense that the person:

- has previously been convicted of DWLI or of operating a motor vehicle in violation of a suspension of the person's vehicle registration as the law governing that offense existed before September 1, 2003; or
- at the time of the offense, was operating the motor vehicle in violation of motor vehicle liability insurance requirements.

H.B. 769 applies only to an offense committed on or after the bill's effective date. The bill provides for the continuation of the law in effect before the bill's effective date for purposes of an offense, or any element thereof, that occurred before that date.

H.B. 769 amends the Transportation Code to make a conforming change.

EFFECTIVE DATE

September 1, 2023.