

BILL ANALYSIS

C.S.H.B. 2768
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been noted that while municipal courts try certain underlying offenses that may result in driver's license suspensions, municipal judges are not able to issue occupational driver's licenses. C.S.H.B. 2768 seeks to address this issue by allowing a person whose driver's license has been suspended or denied renewal, under certain circumstances, to apply for an occupational driver's license with a municipal court.

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

C.S.H.B. 2768 amends the Transportation Code to authorize a person whose driver's license is suspended under the driver responsibility program or denied renewal for the failure to appear to apply for an occupational license by petitioning the court:

- in which the person was convicted for the underlying offense; or
- with whose order to pay or satisfy a judgment ordering payment of a fine and cost the person failed to comply, giving rise to the license denial.

The bill requires a petition filed by such a person to state that the petitioner was convicted in that court or ordered by that court to pay or satisfy a judgment ordering payment of a fine or cost, as applicable. The bill requires a court to notify a person at sentencing that the person may be entitled to an occupational license if the person's license is suspended or denied renewal under certain circumstances. The bill requires each justice and municipal court to provide a standard petition form, with instructions for obtaining a waiver of the application fee for persons who are unable to pay, that a person may file to apply for an occupational license.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2768 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes as a court with whom a person whose driver's license is suspended or denied renewal may apply for an occupational license the court with whose order to pay or satisfy a judgment ordering payment of a fine and cost the person failed to comply, giving rise to the license denial. The substitute requires the person's petition for an occupational license to include a statement that the person was ordered by that court to pay or satisfy such a judgment.