

SUBJECT: Reducing penalty for the offense of passing a school bus

COMMITTEE: Transportation — committee substitute recommended

VOTE: 6 ayes — Alexander, Bosse, Alonzo, Moreno, Siebert, Uher
0 nays
3 absent — Clemons, Edwards, Price

WITNESSES: For — Sherman Neal and Sgt. S.C. Van Vlech, Fort Worth Police Department, Jim Lyde, Texas Association of School District Police.
Against — None

BACKGROUND: The 73rd Legislature increased the maximum fine for overtaking or passing a stopped school bus loading or unloading children (VACS art. 6701d sec. 104(c) from \$500 to \$1,000. Because of the increase the violation now falls under the jurisdiction of county courts, not municipal courts.

DIGEST: CSHB 712 would make passing a stopped school bus loading or unloading children punishable by a maximum fine of \$500. The minimum fine would continue to be \$200. A justice or municipal court would be allowed to suspend a person's driver's license for up to six months for subsequent offenses.

The bill would take effect September 1, 1995.

SUPPORTERS SAY: The current penalty of a maximum \$1,000 fine (Class B misdemeanor) for passing a stopped school bus that is loading or unloading children has proven to be counterproductive, unenforceable by police officers and a burden for other courts.

Class B misdemeanors and above fall under the purview of county courts, which are already overcrowded and less motivated to deal with such problems. Furthermore, a jail sentence for passing a stopped school bus is unrealistic when many county jails are too crowded to make even violent criminals serve most of their sentences.

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The proposed fine of up to \$500 (Class C misdemeanor) for this violation would be handled appropriately in municipal and justice courts.

OPPONENTS
SAY:

No apparent opposition.

NOTES:

The committee substitute differs from the original by adding language that a municipal or justice court may suspend a person's driver's license for six months for subsequent offenses.