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2019 FACT SHEET

HB 372

Reduce Harsh Penalties for Driving While License Invalid

Expensive civil “surcharges” come at a high price for counties, courtrooms, and jails

DRIVING WITH AN INVALID LICENSE SHOULD NOT BE A JAILABLE OFFENSE

Currently, “Driving While License Invalid” (DWLI – a suspended license) is a fine-only Class C misdemeanor unless it is a person’s subsequent offense, in which case it becomes a Class B misdemeanor, warranting up to six months in jail and a \$2,000 fine.

Tens of thousands of Texans are arrested each year for driving with a suspended license, some because they could not afford expensive civil “surcharges” imposed under the Driver Responsibility Program (DRP). In fact, **approximately 1.4 million Texans have had their license suspended** for failing to pay DRP surcharges assessed on moving violations or other driving-related offenses. But with limited public transportation options, many Texans must continue driving with a suspended license in order to work and provide for their families – risking arrest and jail for driving with an invalid license.¹

And, indeed, **in 2018 alone, more than 21,000 Class B misdemeanor DWLI cases were added to Texas court dockets, and during that year, 7,000 people were sentenced to local jail on a DWLI offense, with taxpayers footing the bill.**²

IN SHORT

HB 372 will eliminate the enhanced penalty for a “Driving While License Invalid” offense from a Class B misdemeanor to a Class C misdemeanor on a subsequent offense – keeping law enforcement, court, and jail resources focused on true threats to public safety.

KEY FINDINGS

- In 2018, nearly 46,000 total DWLI cases clogged Texas county court dockets.³
- Approximately 1.4 million individuals in Texas have a suspended license due to the state’s failed Driver Responsibility Program;⁴ these individuals risk arrest and a jail sentence every time they get behind the wheel to go to work or church, to take a child to the doctor, or to get groceries.
- In 2017, Driving While License Invalid charges with underlying DRP surcharge suspensions totaled 44,356 cases.⁵

SUPPORT HB 372 BY REPRESENTATIVE ALLEN

HB 372 eliminates the penalty enhancement for a subsequent DWLI offense from a Class B to Class C misdemeanor, which will reserve costly jail beds for those who pose a true threat to public safety.

HB 372 preserves the penalty enhancement for DWLI if the license was previously suspended for a DWI offense.

Citations on reverse.

Citations

¹ Justin Wm. Moyer, "More than 7 Million People May Have Lost Driver's Licenses Because of Traffic Debt," *The Washington Post*, May 19, 2018, https://www.washingtonpost.com/local/public-safety/more-than-7-million-people-may-have-lost-drivers-licenses-because-of-traffic-debt/2018/05/19/97678c08-5785-11e8-b656-a5f8c2a9295d_story.html?noredirect=on&utm_term=.b2458da20a5a.

² Office of Court Administration (OCA), Court Activity Database, *County-Level Courts: Misdemeanor Case Activity Detail*, January 1, 2018 to December 31, 2018, https://card.txcourts.gov/oca_ReportViewer.aspx?ReportName=County-Level_Courts/CL_Misdemeanor_Activity_Detail_N.rpt&ddlFromMonth=1&ddlFromYear=2018&txtFromMonthField=@FromMonth&txtFromYearField=@FromYear&ddlToMonth=12&ddlToYear=2018&txtToMonthField=@ToMonth&txtToYearField=@ToYear&ddlCountyPostBack=0&txtCountyPostBackField=@CountyID&ddlCourtAfterPostBack=0&txtCourtAfterPostBackField=@CourtID&chkAggregateMonthlyReport=0&export=1706.

³ OCA, Court Activity Database, *County-Level Courts: Misdemeanor Case Activity Detail*, January 1, 2018 to December 31, 2018.

⁴ Moyer, "More than 7 Million."

⁵ Texas Department of Public Safety, response to open records request received January 2019.