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FACT SHEET 2015

Reduce the Burden on Jails and Taxpayers from Invalid License Arrests

'Driver Responsibility' surcharge filling jails with unlicensed drivers, at great county expense

TEXAS SHOULD REDUCE PENALTIES FOR ALL CHARGES OF DRIVING WITH AN INVALID LICENSE

For many years, driving with an invalid license (DWLI) in Texas was a Class B misdemeanor on the first offense, meaning individuals faced a maximum of six months jail time and a \$2,000 fine for a first infraction. Then, in 2003, the Texas Legislature enacted the Driver Responsibility Program – which assesses a sizable civil “surcharge” to people convicted of DWI, multiple moving violations, driving with an invalid license, or failure to maintain liability insurance – in addition to traditional criminal penalties. **An eye-popping 60 percent of surcharges go unpaid,¹ and those who cannot afford the surcharge have their licenses revoked.** Over time, the number of unlicensed drivers skyrocketed, and county jails began to fill up with unlicensed drivers. In Bexar County alone, one in three new misdemeanor cases was for DWLI.²

In response, the 2007 Texas Legislature reduced the penalty for DWLI on the first offense to a Class C misdemeanor, punishable by a fine and, typically, issuance of a citation rather than an arrest. DWLI remained a Class B misdemeanor on subsequent offenses, however, and now the same cycle is repeating. The Driver Responsibility surcharge has continued to boost the number of unlicensed Texas drivers to never-before seen levels. **More than two million Texans have lost their licenses for surcharge nonpayment, with an outstanding 1.3 million whose revoked license was never reinstated.**³ Certainly, many people continue to drive because they must work, shop for groceries, and take their kids to school while public transit in Texas remains spotty, at best. But whenever they are stopped henceforth, they risk being arrested and jailed for driving with an invalid license, now a second-time Class B misdemeanor offense.

KEY FINDINGS

- Tens of thousands of Texans are arrested and jailed each year for driving with an invalid license, most of them because they could not afford expensive civil “surcharges,” helping fill local jails with low-risk non-violent individuals.

In fiscal year 2014 alone, nearly 30,000 Class B DWLI cases were added to Texas court dockets.⁴

And during that year, **more than 11,000 individuals were sentenced to local jail on a DWLI offense.**⁵

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION

- **Make driving with an invalid license (DWLI) a Class C misdemeanor for all offenses.** This will divert many nonviolent individuals from county jails, reducing incarceration and court costs as well as keeping law enforcement officers on the street to perform more important duties.

Citations on reverse.

Citations

¹ Craig Adair, “Wrong Way for Texas: The Driver Responsibility Program: A Texas Sized Failure,” Texas Criminal Justice Coalition, February 2013.

² Testimony by Shannon Edmonds of the Texas District and County Attorneys Association to the House County Affairs Committee, May 5, 2014.

³ “Wrong Way for Texas.”

⁴ Office of Court Administration. See: OCA, “Statutory County Courts 2014 Activity Detail,” last accessed online 1/20/15 at: <http://www.txcourts.gov/media/696423/3-SCC-Activity-Detail-fy-2014-pdf.pdf>, and “Constitutional County Courts 2014 Activity Detail,” accessed the same day at: <http://www.txcourts.gov/media/701752/3-CCC-Activity-Detail-2014.pdf>.

⁵ Ibid. See “Sentencing Information: Local Jail.”