

Legislation of Interest: Criminal Justice Related Bills in the 81st Texas Regular Legislature

TMCEC 16th Annual Municipal Prosecutors Conference
June 29, 2009

Bill Summaries
Courtesy of the
Texas Municipal League

I. Procedural Law (Tracking Matrix page 16)

~~H.B. 195 (Alonzo) Pre-trial Hearings:~~ would require a municipal court to set a pre-trial hearing upon the request of either party, not later than 30 days before the trial begins.

~~H.B. 292 (Dutton) Restoration of Rights:~~ would provide that an individual convicted of any offense under Texas law may submit an application for the restoration of any rights forfeited as a result of the conviction.

~~H.B. 293 (Dutton) Expunction:~~ would: (1) mandate compulsory expunctions in municipal courts in certain situations; and (2) broaden the circumstances under which expunctions are available to defendants.

~~H.B. 301 (Dutton) Criminal Discovery:~~ would: (1) require a municipal prosecutor, upon request by a defendant and subject to certain exceptions and existing rules of evidence, to make available to the defendant multiple types of discovery records related to the case; (2) require the same of the defendant; (3) create sanctions for violations; (4) apply the requirements created to prosecute defendants only as required by the court; and (5) give the release requirement precedence over the Texas Public Information Act.

~~H.B. 945 (Dutton) Expunction:~~ would expand the number of situations in which a city police department may be ordered by a district court to expunge records and files relating to certain arrests.

~~H.B. 949 (Dutton) Dismissal:~~ would allow a prosecutor to dismiss a case involving a nonviolent criminal offense if the defendant: (1) becomes a member of the U.S. armed forces serving on active duty after the commission of the offense; and (2) has not been finally convicted of any additional offense other than a traffic, pedestrian, or parking offense punishable by fine only

~~H.B. 1060 (Miklos) Forwarding Warrants:~~ (Caption) Relating to certain procedures for forwarding a warrant of arrest or a complaint in a criminal case.

~~H.B. 1321 (Hughes) Discharge of Jury in Criminal:~~ (Caption) Relating to the discharge of a jury under certain circumstances in a criminal case.

H.B. 1544 (Miklos) Misdemeanor Punishable by Fine: would require a municipal court to dispose of a case without requiring any additional appearance by the defendant if the defendant mails or delivers in person a plea of guilty or no contest or a waiver of jury trial at any time before the date on which the trial is to begin.

H.B. 1665 (King P) Defaulting Juror Penalty: (Caption) Relating to the penalty imposed on defaulting jurors.

H.B. 3201 (King P) Designation of Fire Marshals: (Caption) Relating to the designation of certain fire marshals and related officers, inspectors, and investigators as peace officers.

H.B. 4464 (Gallego) Crime Victim Information: (Caption) Relating to crime victim information in a criminal judgment.

~~**S.B. 365 (Carona) Mandatory Special Expense at Rate of Suspended Fine in Deferred Disposition:** would: (1) require a municipal judge to require a bond from a defendant during the deferral period of a deferred disposition; and (2) expand the use of that bond to include special expenses.~~

S.B. 410 (Carona) Statute of Limitations in Class C Misdemeanors: would: (1) require a complaint in municipal court to be presented within two years of the date of the offense; and (2) define “presentation” as a filing of the complaint by the proper officer in the proper court.

S.B. 413 (Carona) Mandatory Filing of Complaint: would require a complaint to be filed in municipal court if a defendant fails to appear based on written notice, such as a citation, that has been filed with the court.

S.B. 414 (Carona) Electronic Commitment Hearing for Capias Pro Fine: would provide that, for purposes of a commitment hearing in municipal court, a defendant may be brought before the court in person or by means of an electronic broadcast system through which an image of the defendant is presented to the court, including secure Internet videoconferencing.

S.B. 415 (Carona) Arraignment for Class C Misdemeanors: would require a defendant who has been accused of a fine-only offense to be arraigned in a municipal court or justice court, instead of a county or statutory court court.

S.B. 1236 (Seliger) Admonishments: would require certain language to be added to citations for class C misdemeanors and certain court proceedings. (Companion bill is **H.B. 1644** by **Dukes**.)

S.B. 1504 (Whitmire) Concurrent Jurisdiction: (Caption) Relating to the concurrent jurisdiction of certain municipal courts in certain criminal cases punishable by fine only.

II. Substantive Law (Tracking Matrix page 17)

~~**H.B. 5 (Crownover) Statewide Smoking Ban:** would: (1) prohibit smoking in most~~

~~public places, in places of employment, in seating areas at outdoor events, or within fifteen feet of an enclosed area in which smoking is prohibited; (2) provide that the bill's provisions preempt and supersede a local ordinance, rule, or regulation that prohibits smoking to a lesser degree; (3) provide that a local ordinance, rule, or regulation that prohibits or restricts smoking to a greater degree than the bill is not preempted; (4) require the Texas Department of State Health Services to annually request other government agencies to establish local operating procedures to comply with the bill, including urging all federal, state, county, and municipal governments as well as independent school districts to update existing smoking control regulations to be consistent with the current health findings regarding secondhand smoke; and (5) require any entity that grants business licenses, including a city, to provide notice of the state smoking law to each license applicant.~~

~~**H.B. 90 (Martinez, "Mando") Novelty Lighters:** Relating to the sale of novelty lighters in this state; imposing a penalty.~~

~~**H.B. 206 (Jackson) Alcoholic Beverages:** would: (1) allow the holder of an on-premises alcohol consumption permit to allow an individual to bring alcoholic beverages onto the permitted premises for consumption by that individual; (2) grant the Alcoholic Beverage Commission the ability to suspend or cancel a permit if a breach of the peace occurs on the premises covered by a permit; and (3) make it an offense for a commercial establishment that charges a fee for being admitted to the establishment to allow customers to bring alcoholic beverages onto the premises if the establishment does not have an on-premises consumption permit.~~

~~**H.B. 222 (Menendez) Gambling-related Offenses:** Relating to the authorization and regulation of poker gaming and the duties of the Texas Lottery Commission; providing civil and criminal penalties.~~

~~**H.B. 839 (Martinez) Salvia Divinorum:** would make the sale or delivery to a child of salvia divinorum or a product containing salvia divinorum a Class C misdemeanor. (Companion bill is **S.B. 257** by Estes.)~~

~~**H.B. 857 (Laubenberg) Outdoor Burning Violations:** (Caption) Relating to the penalty for certain outdoor burning violations.~~

~~**H.B. 925 (Dutton) Dangerous Dogs:** would make it a Class C misdemeanor for an adult to allow a child under the age of fifteen to handle or care for a pit bull without adult supervision.~~

~~**H.B. 954 (Dutton) Criminal History Record Information:** would among other things, make it an offense for a person to, with intent to obtain a benefit or with intent to harm or defraud another, compile or disseminate criminal history record information that the person knows is the subject of an order of nondisclosure.~~

~~**H.B. 2031 (England) Definition of Sight Order:** (Caption) Relating to the definition of sight order for purposes of prosecuting certain criminal offenses.~~

~~**H.B. 3515 (Dunnam) Failure to Report Barratry:** (Caption) Relating to the creation of the offense of failure to report barratry and solicitation of employment.~~

~~**SB 204 (Shapleigh) Trans Fat Offense:** Relating to a prohibition of foods containing trans fat; providing a criminal penalty.~~

~~**S.B. 257 (Estes) Salvia Divinorum:** would make the sale or delivery to a child of salvia divinorum or a product containing salvia divinorum a Class C misdemeanor.~~

~~**S.B. 544 (Ellis) Statewide Smoking Ban:** would: (1) prohibit smoking in most public places, in places of employment, in seating areas at outdoor events, or within 15 feet of an enclosed area in which smoking is prohibited; (2) provide that the bill's provisions preempt and supersede a local ordinance, rule, or regulation that prohibits smoking to a lesser degree; (3) provide that a local ordinance, rule, or regulation that prohibits or restricts smoking to a greater degree than the bill is not preempted; (4) require the Texas Department of State Health Service to annually request other government agencies to establish local operating procedures to comply with the bill, including urging all federal, state, county, and municipal governments, as well as independent school districts to update existing smoking control regulations to be consistent with the current health findings regarding secondhand smoke; and (5) require any entity that grants business licenses, including a city, to provide notice of the state smoking law to each license applicant. (Companion bill is **H.B. 5** by **Crownover**.)~~

S.B. 1016 (Estes) Dept of Agriculture: (Caption) Relating to the continuation and functions of the Department of Agriculture and the Prescribed Burning Board, the creation of the Texas Bioenergy Policy Council, and the abolition of the Texas-Israel Exchange Fund Board.

S.B. 2468 (Gallegos) Local Official Post-Employment: (Caption) Relating to the postemployment activities of certain local government officers in certain counties.

III. Magistrate Duties and Domestic Violence (Tracking Matrix page 18)

~~**HB 196 (Alonzo) Setting Bail:** Relating to the applicability of hearsay rules in proceedings regarding bail.~~

~~**H.B. 430 (Castro) Mere Evidence Search Warrant:** would authorize a municipal court judge who is also a licensed attorney to issue certain types of search warrants.~~

~~**H.B. 747 (Gattis) Blood and Breath Testing:** would require a blood or breath test if the person arrested: (1) was in an accident where a victim suffered bodily injury and required transportation to a hospital; (2) is suspected of driving while intoxicated with a child under the age of fifteen in the car; or (3) is suspected by the arresting officer, based on reliable information from a credible source, of having been previously arrested for certain intoxication offenses. (Companion bill is **S.B. 261** by **Deuell**.)~~

~~**H.B. 823 (S. Turner) Blood Samples:** would prohibit a peace officer from taking a blood specimen regardless of whether the person is otherwise authorized by law to take a blood specimen.~~

H.B. 853 (Laubenberg) Pets in Protective Orders: (Caption) Relating to inclusion of pets and other companion animals in protective orders.

H.B. 1506 (Herrero) Conditions of Release on Bond: (Caption) Relating to the imposition of conditions on certain defendants charged with an offense involving family violence.

H.B. 2240 (Lewis) Serial Domestic Violence: (Caption) Relating to creating an offense for serial domestic violence.

~~**S.B. 125 (Ellis) Consular Relations:** would require a magistrate, including a municipal judge, to contact the Mexican or Canadian consulate each time a person is arrested and is suspected of holding Canadian or Mexican citizenship.~~

S.B. 537 (Carona) Wiretaps: would permit a peace officer to apply to any judge of competent jurisdiction—not just district or appellate judges as current law provides—to authorize a wiretap.

S.B. 743 (Wentworth) Search Warrant for DNA: (Caption) Relating to the time allowed for execution of a search warrant issued to obtain a specimen for DNA analysis.

IV. Juvenile Justice (Tracking Matrix page 19)

~~**H.B. 224 (Olivo) School Police Officers:** would require a city that employs a school police officer or school resource officer to provide additional training to the officer.~~

~~**H.B. 504 (Kolkhorst) Children and Class C Misdemeanors:** would provide that: (1) a parent commits a class C misdemeanor if: (a) the parent's child is convicted of or adjudicated as having engaged in delinquent conduct or conduct indicating a need for supervision for disrupting a school activity; (b) the child has not complied with the terms of the child's sentence or a court order relating to the conviction or adjudication; and (c) the parent, with criminal negligence, has contributed to, caused, or encouraged the child to fail to comply with the terms of the child's sentence or a court order relating to the conviction or adjudication; (2) one half of a fine collected for the new offense shall be deposited to the credit of the operating fund of the child's school (if the school is a public school) and one half shall go to the general fund of the municipality in which the offense is prosecuted (or to the county's general fund if prosecuted in a county court); and (3) in the case of a parent whose child attends a private school, a fine collected for the offense shall be deposited in its entirety to the credit of the general fund of the prosecuting entity.~~

H.B. 558 (Hernandez) Public Intoxication: would: (1) require a police officer to take into custody a child who is arrested for public intoxication unless the child is released to a parent, guardian, custodian, or other responsible adult; and (2) shift the prosecution of juvenile public intoxication cases from juvenile county courts to municipal and justice courts.

~~**H.B. 767 (Guillen) Consequence of Conviction:** would require a municipal court that finds a child guilty of a fine-only offense, including a traffic offense, to do the following: (1) enter an order requiring the parent and child to provide the court with evidence that the child is in compliance with compulsory school attendance requirements; and (2) if the child is not in compliance, include in the court's judgment an order to comply and provide evidence to the court of compliance and order the Texas Department of Public Safety to suspend the child's driver's license or deny the issuance of a license for a certain period of time.~~

H.B. 1793 (Farrar) Complaints Against Children: (Caption) Relating to judicial instruction for judges who hear complaints against children alleging violations of certain misdemeanor offenses.

H.B. 2386 (Castro) Sealing of Juvenile Records: (Caption) Relating to the sealing of juvenile records.

~~**S.B. 53 (Zaffirini) Juvenile Case Managers Training:** would create new ethics and training requirements for juvenile case managers in municipal courts, similar to those for juvenile probation officers.~~

~~**S.B. 54 (Zaffirini) Supervision of Juvenile Case Managers:** would: (1) require that a juvenile case manager in a municipal court be supervised by the municipal judge or another officer of the court who is authorized to conduct juvenile hearings; and (2) specifically prohibit the court clerk from supervising the juvenile case manager.~~

~~**S.B. 55 (Zaffirini) Mandatory IDEA Judicial Education :** would require a municipal judge who hears juvenile cases to annually complete a training course related to understanding the problems of child welfare and disability.~~

S.B. 58 (Zaffirini) Juvenile Justice Case: (Caption) Relating to the administration of the Juvenile Justice Case Management System.

S.B. 328 (Carona) Expansion of the Under the Influence: Relating to the civil and criminal consequences of operating a motor vehicle or a watercraft while intoxicated or under the influence of alcohol.

S.B. 1056 (Uresti) Criminal History Record: (Caption) Relating to authorizing a criminal justice agency to disclose certain criminal history record information and to orders of disclosure regarding such information.

V. Ordinance and Local Government Issues (Tracking Matrix page 20)

H.B. 205 (Aycock) Dangerous Dogs: would provide that a city's leash laws may not be applied to certain dogs used to protect livestock on an agricultural operation within the city's extraterritorial jurisdiction or on land that has been annexed.

~~**H.B. 218 (Menendez) Graffiti:** would allow a city to regulate the sale of aerosol paint by: (1) requiring identification and logging by businesses of each sale of aerosol paint; and (2) requiring businesses to provide the information regarding aerosol paint sales to a law enforcement agency.~~

~~**H.B. 244 (Alonzo) Immigration:** would provide that a city may not require a landlord to: (1) refuse to lease to a prospective tenant or renew the lease of a tenant solely on the basis of the immigration status of the tenant or a member of the tenant's family; or (2) inquire as to the immigration status of a tenant or prospective tenant or a member of the tenant's family.~~

~~**H.B. 261 (Berman) Law Enforcement:** would prohibit a city or any officer or~~

~~employee of the city from adopting any policy that does not fully enforce state and federal law, and, in the case of policies that would not fully enforce state and federal immigration laws, prohibit the city from receiving state funds.~~

~~**H.B. 266 (Berman) Immigration:** would: (1) require a city to register with and participate in an electronic system, such as E-Verify, to determine whether its employees are authorized to work in the United States under federal law; (2) prohibit city from entering into any contract unless the contractor participates in an electronic verification system; (3) subject a city to liability if the city discharges a United States citizen or permanent resident alien while retaining an unauthorized alien; and (4) require a city to verify a recipient's immigration status before providing certain public benefits.~~

~~**H.B. 404 (Harless) Immigration:** would: (1) prohibit a city from adopting a policy under which the city's police department or other city officials would not fully enforce state or federal laws relating to immigration; (2) penalize a city that adopts such a policy by taking away state grant funds; and (3) allow a citizen residing in a city that adopts such a policy or fails to enforce state or federal law to file a petition in a district court to compel compliance with this law. (Companion bill is **S.B. 358** by **Patrick**, below.)~~

H.B. 405 (Harless) Bite Prevention Sticks: would permit animal control officers to carry bite prevention sticks.

~~**H.B. 489 (Pickett) Graffiti:** would: (1) authorize a city to require a property owner to remove graffiti from the property; (2) allow the city to remove the graffiti and charge the expense to the property owner; and (3) exempt from the Texas Tort Claims Act any claim arising from property damage caused by the removal of graffiti by the city.~~
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~~**H.B. 622 (Harless) Immigration:** would suspend any state licenses held by a city if, after notice and a hearing, the state finds that the city employs one or more individuals who are not lawfully present in the country.~~

~~**H.B. 736 (Quintanilla) County Nuisance Authority:** would provide, among other things, that: (1) the commissioners court of a county by order may, in the unincorporated areas of the county, abate and remove a nuisance and punish by fine the person responsible for the nuisance, define and declare what constitutes a nuisance and authorize and direct the summary abatement of the nuisance, and abate in any manner the commissioners court considers expedient any nuisance that may injure or affect the public health or comfort; and (2) if an order adopted by a commissioners court conflicts with an ordinance of a city, the city ordinance prevails within the city's jurisdiction to the extent of the conflict.~~

H.B. 875 (Eissler) Billboards: would allow a city to recover attorney's fees in a lawsuit against a sign-owner for violations of state sign laws.

~~**H.B. 988 (Fletcher) Red Light Cameras:** would prohibit a city from imposing a civil penalty on an emergency vehicle for running a red light that is monitored by a red light camera.~~

H.B. 2346 (Thibaut) Illegally Parked Vehicles: would authorize a city employee to request the towing of a vehicle parked illegally in an area designated as a tow-away zone in a residential area where on-street parking is regulated by municipal ordinance.

H.B. 2647 (Kent) Health and Safety Ordinances: would authorize an order of a building and safety commission, including the imposition of a civil penalty, to be enforceable in the same manner as orders for substandard building remediation, including the imposition of liens against certain types of property.

H.B. 2833 (Marquez) Regulation of Land Development: would, for the purpose of preventing the proliferation of colonias, authorize certain border counties in certain circumstances to regulate residential land development in the unincorporated area of the county, and would authorize certain cities in certain border counties in certain circumstances to regulate residential land development in the city's extraterritorial jurisdiction. (Companion bill is **S.B. 1370** by **Lucio**.)

H.B. 3866 (Naishtat) Fire Safety Inspection: would provide that: (1) only an individual certified by the Texas Commission on Fire Protection as a fire inspector may conduct a fire safety inspection required by a state or local law, rule, regulation, or ordinance; and (2) a fire safety inspection required by a state or local law, rule, regulation, or ordinance must be conducted in accordance with the most recent local fire code or the most recent fire code adopted by the state fire marshal.

S.B. 926 (Huffman) Violations by Emergency: would prohibit a city from imposing a civil penalty on an emergency vehicle for running a red light that is monitored by a red light camera. (Companion bill is **H.B. 998** by **Fletcher**).

S.B. 1448 (West) Municipal Building and Safety: would modify current substandard building enforcement procedures by providing that: (1) a tenant may bring a civil action against an owner of real property to seek a remedy for a city ordinance violation relating to a condition that materially affects the health or safety of an ordinary tenant in certain circumstances; (2) a tenant may join a city's civil action that relates to the tenant's dwelling, building, or structure, but only with the consent of the city; and (3) a city or a tenant may bring an action to compel the repair of a substandard structure, and a city may bring an action to compel the demolition of a structure or to obtain approval to remove the structure and recover removal costs.

S.B. 1449 (West) Hazardous Properties: would: (1) provide that a home rule city or a nonprofit housing organization approved by a home rule city may initiate an action against an owner of property that is not in substantial compliance with certain municipal building standards; (2) provide that a city that grants authority to a nonprofit housing organization to initiate an action has standing to intervene in the proceedings at any time as a matter of right; (3) authorize the court to appoint a receiver if the court finds that the property is in violation of one or more ordinances relating to the building standards described in the bill; and (4) prescribe the powers and duties of a receiver appointed under number 3, above.

S.B. 1742 (Shapiro) Discharge of Firearms: this bill is the same as **H.B. 3766 (Paxton) Discharge of Weapons:** would amend the statute that prevents a city from prohibiting the discharge of a firearm or other weapon in the extraterritorial jurisdiction or in an area annexed after September 1, 1981, if the firearm or other weapon is a shotgun, air rifle or pistol, BB gun, or bow and arrow discharged on a tract of land of 10 acres or more, a center fire or rim fire rifle or pistol of any caliber discharged on a

tract of land of 50 acres or more, used in a way that is not reasonably expected to cause a projectile to cross the boundary of the tract. The bill would provide that in such cases the weapon may not be used within: (a) 1,000 feet of an occupied building, including a residence, located on another property; and (b) 1,500 feet of an occupied building that is a school, day-care facility, nursing home facility, adult day-care facility, the property line of a public tract of land used for outdoor recreation, the property line of a residential subdivision, or the property line of a multifamily residential complex.

VI. Court Costs and Administration (Tracking Matrix page 21)

~~**H.B. 122 (Straus) Child Safety Fund:** would permit a city less than 850,000 in population to use child safety court fees for general public safety and security programs.~~

~~**H.B. 288 (Dutton) Occupational Driver's License:** would shift the duty to issue occupational drivers licenses from county courts to justice and municipal courts.~~

H.B. 319 (Raymond) Jury Service and Custody:

~~**H.B. 423 (Guillen) Marriage Ceremonies:** would authorize municipal judges to perform wedding ceremonies.~~

~~**H.B. 501 (Bonnen):** relates to a person's ability to read and write in English as a qualification for service as a petit juror.~~

~~**H.B. 572 (England) In-House Collections:** would allow any city with a population of over 100,000 to authorize the addition of collection fees (for unpaid fines, for example) to help pay for a court cost collection program performed by city employees.~~

~~**H.B. 579 (Gutierrez) Drug Courts:** would create new municipal court costs to help fund drug court programs as follows: (1) \$50 for the execution or processing of a capias pro fine; and (2) \$60 for certain drug and alcohol offenses, including public intoxication.~~

H.B. 666 (Gutierrez) Drug Court Programs: would authorize a \$50 fee to be assessed upon conviction of any offense to pay for the services of a peace officer who has issued a capias pro fine.

H.B. 1285 (Eiland) Administer an Oath: (Caption) Relating to persons authorized to administer an oath in this state.

H.B. 4445 (Alvarado) Court Interpreters: would require a licensed court interpreter appointed by a municipal court to hold a license that includes certain specified designations. (Companion bill is **S.B. 1892** by **Gallegos**.)

S.B. 333 (Carona) Cost for Alcohol Breath Test: would replace a \$22.50 court cost used for maintaining a certified breath alcohol testing program in some cities, the authority for which was repealed in 2003, by permitting a municipal court to keep the same amount from certain other fees sent to the comptroller's office.

~~**S.B. 387 (Carona) Transmittal of Certain Court Documents:** would allow a complaint or an arrest warrant to be forwarded not only by telegraph, but also by secure fax transmission or other secure electronic means.~~

~~**S.B. 416 (Carona) Child Safety Fund:** would provide that the \$25 child safety fund court fee for traffic offenses that occur in school zones applies only when the offense occurs within a city.~~

S.B. 420 (Carona) Performance Evaluation: would prohibit a city from taking into account the source and amount of municipal court revenue when evaluating a municipal judge's job performance.

S.B. 446 (Wentworth) Use of Court Cost for: would permit a city less than 850,000 in population to use child safety court fees for general public safety and security programs.

S.B. 497 (Wentworth) Compensation Paid to Judges: (Caption) Relating to compensation paid to certain judges and justices.

~~**S.B. 632 (Seliger) Optional Court Costs for Municipal Court Expenses:** would: (1) permit a city to adopt an optional \$1 court cost to be deposited into a municipal court equal justice and education fund; and (2) provide that money in that fund could be used to pay for interpreter services, attorney appointments, staff education.~~

S.B. 935 (Seliger) Authorizing Judges to Conduct: would authorize municipal judges to perform wedding ceremonies. (Companion bill is **H.B. 423** by **Guillen**.)

S.B. 2038 (Duncan) Statutory Revision: (Caption) Relating to the construction of nonsubstantive codifications and revisions of statutes.

VII. Traffic Safety and Transportation (Tracking Matrix page 22-23)

~~**H.B. 26 (Leibowitz) Golf Carts:** would allow an unregistered golf cart to be driven on any street for up to two miles.~~

H.B. 55 (Branch) Cell Phone Ban: would make the use of a wireless communication device while operating a motor vehicle within a school crossing zone a class C misdemeanor, subject to certain exceptions.

~~**H.B. 141 (Gonzalez Toureilles) Financial Responsibility:** would: (1) make the failure or refusal of a driver to provide proof of financial responsibility a Class C misdemeanor; (2) require a court to dismiss a charge of an offense of failure to provide financial responsibility if the defendant presents proof that he/she had coverage at the time of the citation; (3) permit a court to charge a \$10 administrative fee for such a dismissal; and (4) require an impound lot in a specific city that has a population of more than one million to release a vehicle impounded for the driver's failure to provide proof of financial responsibility, and require the city to pay all impoundment or storage fees on the vehicle.~~

~~**H.B. 149 (Smith, Todd) Passing School Bus:** Relating to the penalty for illegally passing a stopped school bus.~~

~~**H.B. 169 (T. Smith) Sobriety Checkpoints:** would create authorization and guidelines for sobriety checkpoints, including a requirement that no checkpoint be within one half mile of a checkpoint erected within the past thirty days.~~

~~**H.B. 189 (Alonzo) TexasSure:** Relating to the effect of a peace officer's determination of financial responsibility for a motor vehicle through use of the motor vehicle financial responsibility verification program.~~

~~**H.B. 193 (Alonzo) Driver's License:** Relating to the identification information required of an applicant for a driver's license.~~

~~**H.B. 219 (Menendez) Cell Phone Ban:** would: (1) make the use of a cell phone or other wireless communication device by the operator of a motor vehicle moving through a school crossing zone illegal, with some exceptions; and (2) mandate that a city send 50 percent of the fines collected under the new law to the state comptroller at the end of the fiscal year, to be deposited in the foundation school fund.~~

~~**H.B. 220 (Menendez) Cell Phone Ban:** would make the use of wireless communication devices while operating a motor vehicle a class C misdemeanor, subject to certain exceptions.~~

~~**H.B. 259 (Berman) Financial Responsibility:** would require a police officer to do the following after citing a driver for no insurance: (1) remove the vehicle's license plates; (2) provide for secure impoundment of the license plates in the offices of the officer who removed the plate; (3) issue written notice to the offender regarding the process by which the offender may recover the plates and the consequences of not taking those steps; (4) issue temporary license plates to offenders whose plates are removed; (5) submit information to the DPS, TxDOT and county within specific time frames; and (6) destroy certain license plates.~~

H.B. 300 (Isett) Department of Transportation: this is the Texas Department of Transportation (department) sunset bill. The bill would make multiple changes to the governance and operations of the department. Of particular interest to cities, the bill would provide that:

1. If outdoor advertising located in a city or the city's extraterritorial jurisdiction must be removed because of the widening, construction, or reconstruction of a road, and if relocation of the outdoor advertising would be allowed under department rules but is prohibited by charter, ordinance, or a decision of the city, the city shall pay just compensation: (a) to the owner for the right, title leasehold, and interest in the outdoor advertising; and (b) to the owner or, if appropriate, the lessee of the real property on which the outdoor advertising is located, for the right to erect and maintain the outdoor advertising.
2. The department shall develop, with public participation, a statewide transportation plan covering a period of 20 years and containing all modes of transportation.
3. The department shall provide information regarding long-term planning and the status of projects in an easily obtainable format.

4. To the extent practicable through the use of existing resources, the department shall facilitate the creation of rural planning organizations in cooperation with councils of governments, municipal and county governments, and other local transportation entities, and shall provide for the realignment of department districts if necessary.

5. The department shall develop a system to respond to complaints filed with the department.
(Companion bill is **S.B 1019** by **Hegar**.)

H.B. 339 (Phillips) Drivers Training for Minors: (Caption) Relating to driver education and driver's licensing requirements.

~~**H.B. 356 (Quintanilla) Cell Phone Ban:** would double the fine for certain traffic violations in cases where the person who committed the offense was using a wireless communication device at the time.~~

H.B. 400 (Herrero) Disabled Parking: would require a city that enforces disabled parking restrictions to dismiss an offense of parking in a disabled parking spot without a proper placard if: (1) a placard is displayed, but expired; (2) the placard has been expired for less than sixty days; and (3) the individual who received the ticket renews the disabled parking placard within 20 working days from the date of the offense or by the ticket hearing date, whichever is later.

~~**H.B. 438 (Lucio) Cell Phone Ban:** would prohibit a driver from using a cell phone while driving, except for uses in connection with the official duties of emergency response personnel and police.~~

~~**H.B. 528 (Vaught) Child Restraint:** would: (1) reduce the fine for transporting a child without a proper safety seat from \$100-\$200 to \$25; (2) increase the age and height for children covered by the safety seat requirement; and (3) *require a city to remit the entire fine to the state.*~~

~~**H.B. 529 (Miller, Sid) Blue Lights:** Relating to operation of a motor vehicle equipped with a blue light.~~

H.B. 537 (Berman) Child Transport: Relating to the transportation of children in passenger vans; creating an offense.

~~**H.B. 575 (Sheffield) (Toll Road)** Relating to a prohibition on the disclosure and use of certain information recorded or collected by a transponder used to electronically assess or collect a toll.~~

H.B. 586 (Naishtat) Proof of Insurance: would decrease (from two years to six months) the time period for which a defendant must show proof of financial responsibility before applying for release of an impounded vehicle after a second or subsequent conviction for an offense.
(Companion bill is **S.B. 419** by **Carona**.)

H.B. 618 (Corte) Parking for Veterans: would exempt from parking meter fees a vehicle with license plates indicating an individual received the Air Force Cross or Distinguished Service Cross, the Army Distinguished Service Cross, the Navy Cross, or the Medal of Honor.

~~**H.B. 730 (Miklos) Fine Range:** would increase the maximum fine for a traffic violation from \$200 to \$500.~~

~~**H.B. 738 (Quintanilla) Traffic Offenses:** would increase the minimum and maximum fines for traffic violations if, during the traffic violation, the driver is using a phone or other communications device, grooming, reading, interacting with others in the vehicle, or engaging in another activity that prevents the driver from safely operating the vehicle.~~

~~**H.B. 758 (Martinez Fischer) Cell Phone Ban:** would prohibit a driver from using a cell phone to read, write, or send a text message while driving, except for uses in connection with the official duties of emergency response personnel and police.~~

~~**H.B. 759 (Martinez Fischer) Law Enforcement:** would: (1) create a 24-hour hotline for reports of impaired driving; and (2) require that tips from the hotline be forwarded as soon as practicable to the city police department or sheriff's office with jurisdiction over the matter.~~

~~**H.B. 917 (Dutton) Peace Officer Searches:** would provide that a peace officer who stops a motor vehicle for any alleged violation of a law or ordinance regulating traffic may not search the vehicle unless the peace officer: (1) has probable cause or another legal basis for conducting the search, including conducting a search based on a reasonable fear for the safety of the peace officer or another person; (2) obtains the written consent of the operator of the vehicle on a state-mandated form; or (3) obtains the oral consent of the operator of the vehicle and ensures that the oral consent is evidenced by an audio and video recording made according to state-adopted procedures.~~

~~**H.B. 1027 (Edwards) Peace Officers:** would allow a police officer operating a vehicle to stop, detain, or arrest an operator or passenger of a vehicle for a misdemeanor traffic offense punishable by fine only if: (1) the officer's vehicle is clearly marked as a police vehicle; and (2) the officer is wearing a uniform displaying the officer's badge.~~

H.B. 1213 (Rios Ybarr) Golf Carts on Beaches: would require the commissioner of the General Land Office to establish rules regarding the way in which a city may regulate the use of golf carts by disabled persons on public beaches. (Companion bill is **S.B. 804** by **Lucio**.)

H.B. 1282 (McClendon) Theft of a Driver's License: (Caption) Relating to the penalty for theft of a driver's license, commercial driver's license or personal identification certificate.

H.B. 1343 (Menendez) Blind and Disabled Pedestrians: this bill is substantially the same as **H.B. 1236** by **Menendez****Court Fines:** would: (1) increase the maximum fine to \$4,000 for the offense of failure to yield the right-of-way to a pedestrian when the pedestrian is disabled or visually impaired and when a collision causes serious injury or death; (2) require offenders to complete community service in an organization that primarily serves disabled or visually impaired persons; (3) require a court to keep separate records of the money collected under this provision; and (4) *require a court to remit ten percent of the total fine money collected under this provision to the state.* (Companion bill is **S.B. 647** by **Van de Putte**.)

H.B. 2012 (Vaught) Driving Without a License: (Caption) relating to the criminal consequence of operating without a valid driver's license a motor vehicle for which financial responsibility is not established.

H.B. 2020 (Weber) Disabled Veteran Parking: (Caption) Relating to parking privilege for veterans with disabilities.

H.B. 2553 (Hilderbran) Off-Highway Vehicles: (Caption) Relating to the registration and operation of certain motor vehicles.

H.B. 3095 (Harless) Disabled Parking Areas: would allow a city to seize a disabled parking placard if the placard does not contain the first four digits of the driver's license number and the initials of either the person operating the vehicle or a person being transported by the vehicle.

H.B. 3097 (McCledon) Department of Motor Vehicles: (Caption) Relating to the creation, organization, governance, duties, and functions of the Texas Department of Motor Vehicles, including the transfer of certain duties, and to the regulation of certain franchised motor vehicle dealers.

H.B. 3638 (Hughes) Use of Safety Belt: (Caption) Relating to the use of safety belts by the operator of or a passenger in a motor vehicle used exclusively to transport solid waste.

S.B. 52 (Zaffirini) Illegal use of Parking Spaces: (Caption) Relating to the penalties for the illegal use of a parking space or area designated specifically for persons with disabilities and to the unauthorized use of a disabled parking placard.

S.B. 61 (Zaffirini) Traffic Fines: would: (1) reduce the fine for transporting a child without a proper safety seat from \$100-\$200 to \$25; (2) increase the age and height for children covered by the safety seat requirement; and (3) require a city to remit the entirety of the fine to the state comptroller. Same as H.B. 528)

S.B. 129 (Ellis) Neighborhood Electric Vehicles: would require that, in order to be legal, a neighborhood electric vehicle must: (1) be able to attain a maximum speed of thirty-five miles per hour; and (2) be driven at a maximum of thirty-five miles per hour, or the speed limit, whatever is less.

S.B. 488 (Ellis) Vulnerable Road User: (Caption) Relating to the operation of a motor vehicle in the vicinity of a vulnerable road user.

S.B. 589 (Carona) Sun screening Devices: (Caption) Relating to certain requirements for sunscreening devices that are placed on or attached to a motor vehicle.

S.B. 702 (Carona) Towing and Storage of Vehicles: (Caption) Relating to the regulation of the towing and storage of vehicles.

S.B. 1050 (Uresti) Child Fatality Information: (Caption) Relating to the release of certain information relating to child fatalities resulting from abuse or neglect.

S.B. 1093 (Carona) Operation of a Commercial Vehicle: (Caption) Relating to the operation of a commercial motor vehicle and vehicles used exclusively to transport waste.

S.B. 1317 (Wentworth) Driver's License Requirements: (Caption) Relating to education and examination requirements for the issuance of a driver's license to certain persons.

S.B.1967 (Carona) Safe Operation of Motorcycles: (Caption) Relating to the safe operation of motorcycles and other vehicles in this state.

S.B. 1984 (Uresti) Disabled Parking Privileges: (Caption) Relating to certification of a person in certain counties as eligible for disabled parking privileges.

S.B. 2153 (Whitmire) Booting of Vehicles: would provide that: (1) parking boot operators are subject to certain state licensing requirements and also to certain regulations that apply to tow truck operators; (2) a city may adopt an ordinance that is identical to the booting provisions in the bill or that imposes additional requirements that exceed the minimum standards of the booting provisions in the bill, but may not adopt an ordinance that conflicts with the booting provisions in the bill; (3) a city may regulate the fees that may be charged in connection with the booting of a vehicle, including associated parking fees; and (4) a city may require booting companies to obtain a permit to operate in the city.