

SUBJECT: Amending indigent status eligibility in the Driver Responsibility Program

COMMITTEE: Homeland Security and Public Safety — favorable, without amendment

VOTE: 9 ayes — Phillips, Nevárez, Burns, Dale, Johnson, Metcalf, Moody,
M. White, Wray

0 nays

WITNESSES: For — Scott Henson, Texas Criminal Justice Coalition; Rebecca Bernhardt, Texas Fair Defense Project; (*Registered, but did not testify:* Matt Simpson, ACLU of Texas; Traci Berry, Goodwill Central Texas; Mariah Ramon, Teaching Hospitals of Texas; Lori Henning, Texas Association of Goodwills; Patricia Cummings, Texas Criminal Defense Lawyers Association; Courtney DeBower, Texas EMS, Trauma and Acute Care Foundation)

Against — (*Registered, but did not testify:* Michael Weaver, Church Group; Angela Smith, Fredericksburg Tea Party; Matt Long; Sandy Ward)

On — Edna Staudt, Justice of the Peace and Constables Association; (*Registered, but did not testify:* Cheryl Garren, TxDPS)

BACKGROUND: Under Transportation Code, sec. 708.158, people are considered indigent for the purpose of waiving surcharges under the Driver Responsibility Program if they provide evidence to the court of an inability to pay.

Individuals may prove they are indigent by showing a copy of their most recent federal income tax return or wage statement that shows their income is not above a certain income level or documentation from a federal agency, state agency, or school district that indicates they receive some federal or state welfare benefits.

DIGEST: HB 1795 would add to the conditions under which a person would be considered indigent for the purpose of receiving a waiver from Department of Public Safety of surcharges assessed under the Driver

Responsibility Program for driving offenses.

Individuals would be considered indigent if they were determined indigent when being appointed counsel for the offense that was the basis for the surcharge and if the court did not make a subsequent finding that they had the ability to pay, either wholly or partly, the cost of the appointed counsel.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015, and would apply only to a surcharge that was pending on the effective date of the act, regardless of when the surcharge was assessed.