

## **BILL ANALYSIS**

Senate Research Center  
78R11009 JTS-F

H.B. 2500  
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Engrossed

### **DIGEST AND PURPOSE**

Currently, peace officers operating under Chapter 452 of the Transportation Code (Dallas Area Rapid Transit) conduct fare inspections and issue citations to individuals who do not show proof of payment to use bus or rail services. The offense for a theft of service under \$20.00 is a Class C misdemeanor, which carries a fine not to exceed \$500.00. A final conviction for theft of service would include approximately \$175.00 for fine and court costs and is considered a crime of moral turpitude. Convictions for crimes of moral turpitude can affect an individual's employment and professional opportunities. In addition, a Class C misdemeanor conviction for theft absolutely disqualifies a person from jury service in criminal cases. H.B. 2500 authorizes transportation authorities to conduct fare inspections and, if necessary, issue citations under the Transportation Code, rather than the Texas Penal Code. The offense is still considered a Class C misdemeanor, but a conviction will not be considered a crime of moral turpitude.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter B, Chapter 452, Transportation Code, by adding Section 452.0611, as follows:

Sec. 452.0611. ENFORCEMENT OF FARES AND OTHER CHARGES; PENALTIES.

(a) Authorizes an executive committee by resolution to prohibit the use of the public transportation system by a person who fails to possess evidence showing that the appropriate fare for the use of the system has been paid and to establish reasonable and appropriate methods to ensure that persons using the public transportation system pay the appropriate fare for that use.

(b) Authorizes an executive committee by resolution to provide that a fare for or charge for the use of the public transportation system that is not paid incurs a penalty, not to exceed \$100.

(c) Requires the regional transportation authority to post signs designating each area in which a person is prohibited from using the transportation system without possession of evidence showing that the appropriate fare has been paid.

(d) Sets forth the circumstances under which a person commits an offense.

(e) Authorizes the notice required by Subsection (d)(2) to be included in a citation issued to the person under Article 14.06 (Must Take Offender Before Magistrate), Code of Criminal Procedure, in connection with an offense relating to the nonpayment of the appropriate fare or charge for the use of the public transportation system.

(f) Provides that an offense under Subsection (d) is a Class C misdemeanor.

SECTION 2. Amends Article 55.01, Code of Criminal Procedure, by adding Subsection (e) to authorize a district court, notwithstanding Subsection (a), to order the expunction of records and files relating to an arrest, regardless of whether the person was subsequently acquitted or convicted of the offense, if the arrest was for an offense under Section 452.0611, Transportation Code, or for a Class C misdemeanor under Section 31.04 (Theft of Service), Penal Code, arising out of the nonpayment of the appropriate fare for the use of a public transportation system.

SECTION 3. Effective date: upon passage or September 1, 2003.