

BILL ANALYSIS

Senate Research Center

H.B. 1294
By: Price (Seliger)
Criminal Justice
5/3/2013
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law makes it an offense to operate a passenger vehicle and transport a child younger than eight years of age and under a certain height while not keeping the child secured in a child passenger safety seat system during the operation of a vehicle. However, a person may assert a defense to prosecution for this offense if the person provides to the court satisfactory evidence that the person possesses a child passenger safety seat system. As a consequence, a person may not always be held accountable for failing to secure a child in the child safety seat. Furthermore, if a person commits more than one offense while transporting a child not secured in a child safety seat, the person may still seek dismissal of a citation for the offense of failing to properly secure the child by way of raising the defense.

H.B. 1294 amends the Transportation Code to remove as a defense to the prosecution for the offense relating to failing to secure a child being transported in a passenger vehicle in a child passenger safety seat system that the defendant provides satisfactory evidence to the court that the defendant possesses an appropriate child passenger safety seat system for each child required to be secured in such a system. The bill instead establishes as a defense to the prosecution of such an offense that the defendant provides satisfactory evidence to the court that the defendant, at the time of the offense, was not arrested or issued a citation for violation of any other offense and did not possess a child passenger safety seat system in the vehicle and that the defendant, subsequent to the time of the offense, obtained an appropriate child passenger safety seat system for each child required to be secured in such a system.

H.B. 1294 amends current law relating to the punishment of the offense of failing to secure a child in a child passenger safety seat system and to procedures for dismissal of charges for that offense.

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 Section 545.412(b), Transportation Code, as follows:

(b) Provides that an offense under this section is a misdemeanor punishable by a fine of not more than \$250. Deletes existing text providing that an offense under this section is a misdemeanor punishable by a fine of not more than \$25 for the first offense and not more than \$250 for a second or subsequent offense.

SECTION 2. Amends the heading to Section 545.4121, Transportation Code, to read as follows:

Sec. 545.4121. DISMISSAL; OBTAINING CHILD PASSENGER SAFETY SEAT SYSTEM.

SECTION 3. Amends Section 545.4121(b), Transportation Code, as follows:

(b) Provides that it is a defense to prosecution of an offense to which this section applies that the defendant provides to the court evidence satisfactory to the court that:

(1) at the time of the offense the defendant was not arrested or issued a citation for violation of any other offense; the defendant did not possess a child passenger safety seat system in the vehicle; and the vehicle the defendant was operating was not involved in an accident; and

(2) subsequent to the time of the offense, the defendant obtained an appropriate child passenger safety seat system for each child required to be secured in a child passenger safety seat system under Section 545.412(a) (relating to providing that a person commits an offense if the person operates a passenger vehicle, transports a child who is younger than eight years of age, unless the child is taller than four feet, nine inches, and does not keep the child secured during the operation of the vehicle in a child passenger safety seat system).

Deletes existing text providing that it is a defense to prosecution of an offense to which this section applies that the defendant provides to the court evidence satisfactory to the court that the defendant possesses an appropriate child passenger safety seat system for each child required to be secured in a child passenger safety seat system under Section 545.412(a).

SECTION 4. Provides that the change in law made by this Act applies only to an offense committed on or after the effective date of this Act. Provides that an offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. Provides that, for purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 5. Effective date: September 1, 2013.