

BILL ANALYSIS

Senate Research Center
84R7795 AJZ-D

S.B. 1056
By: Hinojosa
Transportation
3/11/2015
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1056 amends the indigency determination process of the Driver Responsibility Program (DRP), establishing that people who have already been determined to be indigent for the purposes of appointing counsel in the criminal case that is the basis for a DRP surcharge are also to be considered indigent for the purposes of DRP surcharge waivers.

In the law's current form, the Department of Public Safety of the State of Texas must waive all DRP surcharges for "any person who is indigent," where indigency is determined when the person appears before the court and presents enumerated types of evidence. Many people who owe DRP surcharges due to jail-eligible offenses were already found indigent when they were appointed counsel for their criminal case. S.B. 1056 provides that those people should also be considered to be indigent for the purposes of DRP surcharge waivers, so long as the court did not make a subsequent finding that the person had the ability to pay, wholly or partly, the cost of the appointed counsel in the criminal case.

As proposed, S.B. 1056 conserves judicial resources by ensuring that courts do not have to make the same finding twice. It also simplifies the process for people applying to the DRP surcharge waiver program.

As proposed, S.B. 1056 amends current law relating to the eligibility for indigent status for purposes of the driver responsibility program.

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 708.158(a), Transportation Code, as follows:

(a) Requires the Department of Public Safety of the State of Texas to waive all surcharges assessed under this chapter for a person who is indigent. Provides that, for the purposes of this section, a person is considered to be indigent if the person was determined to be indigent for the purpose of appointing counsel under Article 26.04 (Procedures for Appointing Counsel), Code of Criminal Procedure, for the offense that is the basis for the surcharge, and the court did not make a subsequent finding that the person had the ability to pay, wholly or partly, the cost of the appointed counsel, or if the person provides certain other evidence.

SECTION 2. Provides that the change in law made by this Act to Section 708.158, Transportation Code, applies to a surcharge pending on the effective date of this Act, regardless of when the surcharge was assessed.

SECTION 3. Effective date: upon passage or September 1, 2015.