2023 PRIORITY LEGISLATIVE AGENDA

#1 FREEDOM TO DRIVE: HELPING TEXANS GET BACK ON THE ROAD

REPEAL THE OMNIBASE PROGRAM AND CLEAR OUTSTANDING HOLDS. Under the OmniBase program (Transportation Code Chapter 706), courts place holds on people’s ability to renew or obtain their driver’s license if they miss court or cannot afford to pay fines and costs, usually from class C tickets. Repealing the OmniBase program would lift millions of license holds due to inability to pay fines and fees, leading to more licensed and insured drivers on the road.

CORRECT MANDATORY LICENSE SUSPENSION PERIODS. Mandatory suspensions trigger when people pay traffic tickets that they received during another suspension period. In 2019, the Legislature unanimously passed HB 162 (White/Zaffirini), which purported to lower mandatory and departmental license suspension periods to 90 days. Unfortunately, the bill was passed with a section of the code missing and needs correction to have the intended impact.

#2 CLEAN SLATE: RECORD CLEARING RELIEF

AUTOMATE 411.072 NONDISCLOSURES. Obtaining an order of nondisclosure is complicated, creating barriers for Texans who are eligible for relief. By automating the process to seal records under Texas Government Code 411.072, Texas can finally deliver on the original promise to eliminate barriers to nondisclosure relief for successful completion of deferred adjudication for certain nonviolent misdemeanors.

EXPAND NONDISCLOSURE ELIGIBILITY. Benefits of record sealing include increased wages and a decreased likelihood to reoffend. However, eligibility to have one’s record sealed in Texas is extremely limited. With few exceptions, only people who successfully completed deferred adjudication or who were convicted of a single, first-time misdemeanor are eligible to have their record sealed (officially called an Order of Nondisclosure). Texas should increase access to petition-based record sealing to improve jobs, safety, and the economy for all Texans.

#3 FINES & FEES: TIME SERVED & COMMUNITY SERVICE CREDIT

EXPAND TIME SERVED CREDIT. Last session, the Legislature unanimously passed legislation to raise the class C misdemeanor time served credit rate from $100 to $150 per night in jail. However, under current law, courts are only required to honor time served credit if the time served was for a sentence, meaning that people who are detained pretrial who are not ultimately convicted are not entitled to time served credit. People should receive credit for any time in jail. Additionally, the community service credit rate should be raised to $150/hr, thereby bring it in concert with the time served rate as has been the tradition in the past.

#4 END PROBATION EXTENSIONS FOR FAILURE TO PAY

END COMMUNITY SUPERVISION FOR EXTENSIONS FOR FAILURE TO PAY. Currently, people see their probation sentences extended due to failure to pay fines and court costs, including probation costs. Probation sentences currently are extended without a hearing, resulting in peoples’ inability to explain to the judge their inability to pay. This issue may be fixed by providing clarifying language that the court should only be able to extend probation if the judge determines on the record that the person has the ability to pay fines and costs, and only order the amount that it finds the person is able to pay.

#5 INDIGENT DEFENSE: CLIENT VISITATION

ENSURE CLIENT VISITATION OUT-OF-COUNTY. Some counties hold people in pretrial detention in jails over a hundred miles away from the court where their case is in, which is usually also where their lawyer is based. In order to ensure people receive the assistance of counsel they need and are entitled to, court-appointed attorneys should be properly compensated for out-of-pocket expenses incurred by interviewing clients housed far away from their trial court.

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