2023 PRIORITY LEGISLATIVE AGENDA

TFDP
Texas Fair Defense Project

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

SB 1281 / **SB 2050** / **HB 4074**: **REPEAL THE OMNIBASE PROGRAM**. 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.

HB 2413: **REFORM THE OMNIBASE PROGRAM.** This bill decreases the harms of OmniBase by removing financial barriers to licenses, decreasing wait periods and lines at licensing offices, and shortening departmental suspension periods.

SB 347 / **HB 2008**: **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 passed with a section of the code missing and needs correction to have the intended impact.

#2 CLEAN SLATE: RECORD CLEARING RELIEF

SB 499 / **HB 1737**: **AUTOMATE 411.072 NONDISCLOSURES.** Obtaining an order of nondisclosure (OND) is complicated, creating barriers for Texans eligible for relief. By automating the record sealing process under Texas Government Code 411.072, Texas can deliver the promise to eliminate barriers to OND relief for completion of deferred adjudication for certain nonviolent misdemeanors.

SB 1628 / **HB 4362**: **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

SB 352 / **HB 2380**: **EXPAND TIME SERVED & COMMUNITY SERVICE CREDIT.** Last session, the Legislature unanimously passed legislation to raise the class C misdemeanor time served credit from $100 to $150 per night in jail. However, courts are only required to honor time served credit if the time served was for a *sentence*. People should receive credit for any time in jail. Additionally, the community service credit rate should be raised to $150/day (8 hours), thereby bringing it in concert with the time served rate.

#4 END PROBATION EXTENSIONS FOR FAILURE TO PAY

SB 460: **END COMMUNITY SUPERVISION 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 are extended without a hearing, leaving no chance for people to explain 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

SB 1046 / **HB 2523**: **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.