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The Honorable John Carona
Chairman
Senate Committee on Transportation and Homeland Security
Capitol Building, Room 4E.2
Austin, Texas 78711

HAND DELIVERED & VIA POSTAL MAIL

Re: 11% of El Paso, Austin Population Have Outstanding Arrest Warrants

Dear Chairman Carona:

I write to you regarding an important issue about arrest warrants for traffic violations.

Based on recent research from my office, eleven percent of the City of El Paso's population has outstanding arrest warrants. Based on comparative research, the City of Austin has the same percentage of its population with outstanding arrest warrants. In both cities, half of these warrants are a result of inability to pay Driver Responsibility surcharges.

Here's what happened. On May 27, 2007 the City of El Paso published a list of 78,000 names of people who had outstanding warrants in the area. In tandem with the publication of this list, the City also established an amnesty period from June 1st to June 9th that would allow for offenders to pay traffic violations without incurring additional late or warrant fees. After this period, the El Paso Municipal Court reported that of the thirty-eight million dollars owed to the city only about \$1,500,000 has been collected through amnesty collection efforts. The following table breaks down this data by warrant:

CHART 1¹		
Outstanding Warrants in El Paso as of 06/11/07	Quantity	Dollar Amount
Total Warrants/ Class C	10,560	\$2,230,593.52
Total Warrants/Traffic	163,210	\$36,003,532.43
Grand Total Warrants/Commitments	173,770	\$38,234,125.95

In an effort to understand who got tickets and why they did not pay, our office conducted a study of warrants for El Paso residents. The study consisted in providing a classification of the most

¹ Fax from Lilia Worrell Asst. Municipal Clerk, El Paso Municipal Court (June 11th, 2007 11:30 AM MTN)(On file with Author).



prevalent violations, the amount owed for each, and whether or not these violations accrue points or surcharges under Texas Driver Responsibility laws. Figures for Chart 1 include people from across the state, country, and even Mexico. To provide a comparison with Austin we extracted data for City of El Paso residents only (not county residents) and compared it with records for City of Austin residents. The following charts contain our results.

CHART 2

Violation	Amount	TX Points	Cost in Money
Traffic Signal	899	Yes 89%	\$143,613.9
Safety Belt	2,976	N	\$532,154.92
Motor Vehicle Inspections	10,299	N	\$1,625,510.41
Speeding Violation	20,299	Yes if > 10% over limit	\$4,841,608.64
Drivers License Misc.	30,387	Yes or Auto. Sur. 76%	\$4,532,321.85
Registration Misc.	14,107	N	\$2,055,804.44
Red Light	2,164	Yes 70%	\$439,343.63
Stopping Misc.	2,319	Yes 74%	\$467,839.36
Failure To Yield Misc.	1,130	Yes 84%	\$244,496.81
Failure To Maintain Financial Resp.	34,649	Yes or Auto Sur. 72%	\$11,638,882.5
Drug/Alc/Tob Poss.	1,927	N	\$422,288.70.
Remaining Violations*	19,088		\$3,346,165.5
GRAND TOTAL	140,244	Up to 53%	\$30,291,497

El Paso Warrants: 59,429 people with 140,244 warrants as of 05/11/07

2000 Census Population: **563,662**

- * Pedestrian
- Curfew/
- Conduct
- Equipment
- Improper Passing
- Zoning
- Dog
- Bicycle

Source: El Paso Municipal Court Records²

CHART 3

Violation	Amount	Texas Points	Cost in Money
Traffic Signal	1,395	Yes 76%	\$295,472.29
Safety Belt	3,229	No	\$643,598.73
Motor Vehicle Inspections	8,344	No	\$1,511,245.95
Speeding Violation	15,029	Yes if > 10% over limit	\$3,463,271.34
Drivers License Misc.	25,118	Yes or Auto Sur. 58%	\$4,724,910.89
Registration Misc.	10,913	No	\$1,838,262.39
Red Light	3,341	Yes 62%	\$869,236.32
Stopping Misc.	1,918	Yes 69%	\$401,417.24
Failure To Yield Misc.	623	Yes 46%	\$155,200.85
Failure To Maintain Financial Resp.	32,732	Yes or Auto Sur. 62%	\$10,885,588.68
Drug/Alc/Tob Poss.	7,982	No	\$707,020.81
Remaining Violations*	14,770		\$4,110,231.84
GRAND TOTAL	125,394	Up to 43%	\$30,389,850.82

Austin Warrants: 69,730 people with 125,405 warrants as of 06/11/07

2000 Census Population: **656, 562**

- * Pedestrian
- Curfew/
- Conduct
- Equipment
- Improper Passing
- Zoning
- Dog
- Bicycle

Source: Austin Municipal Court Records³

² El Paso Municipal Warrants List (El Paso Municipal Court Records Microsoft Access File, current through May 11th, 2007).

³ Austin Municipal Warrants List (Austin Municipal Court Records multiple Microsoft Excel Files, current through June 11th, 2007).

Our data shows that as of May 11, 2007 there were 59,429 El Pasoans with 140,244 municipal warrants. 2000 Census data shows that the City of El Paso had a population of 563,662 while Austin had 656,562. Information for Austin extracted one month later showed that it had 69,730 people with 125,405 warrants. Based on this analysis, 11 percent of El Pasoans and Austinites have outstanding arrest warrants.

The preceding charts also contain a conservative estimate of the percentage of violations that will accrue points or automatic surcharges under Texas Driver Responsibility Laws. Since we were unable to obtain specific data on which speeding violations occurred at speeds in excess of 10% of the prima facie speed limit, we did not figure speeding violations into our grand total percentage for each city. Given the large number of speeding violations in both cities, the total percentage of violations with surcharges could rise as much as 53% for the City of El Paso and 43% for the City of Austin.

The economic impact that surcharges are having on the Texas population and how these surcharges are affecting compliance rates in middle and low income communities has not been adequately researched and addressed. Coincidentally, the most prevalent violations leading to warrants in El Paso and Austin are also those for which DPS reports to have the lowest compliance rates (not counting DWI). Back in 2003, revenue projections for Driver Responsibility laws were based on the then current compliance rate of 66%. The most current study conducted by the Legislative Budget Board⁴ shows that compliance rates are much lower than projected for this program and are at 27.8%. Chart 4 shows compliance rates based on category of offense. Information from the same study is what led to the passage of SB 1723 which allows for less stringent restrictions on payment plans for offenders with the general aim of improving compliance rates.

CHART 4⁵
COLLECTION RATES BY CATEGORY OF OFFENSE, 2003 TO 2006

NOTICES	POINTS	DRIVING WHILE INTOXICATED	LICENSE INVALID/ NO INSURANCE	NO LICENSE	TOTAL
Billed Surcharges	\$3,054,966	\$191,332,900	\$238,459,780	\$45,857,175	\$478,704,791
Collected Revenue	\$1,565,156	\$52,693,831	\$69,962,561	\$8,620,797	\$132,842,306
Percent Collected	51.2	27.5	29.3	18.8	27.8

SOURCE: Texas Department of Public Safety.

For your benefit, our office has interviewed three citizens listed for outstanding warrants to determine impact to them. Names were changed in order to preserve anonymity.

Jane Smith who works in El Paso has close to \$2,500 dollars in outstanding tickets. She is behind on her rent. Over the last four months, she had to put in thousands of dollars for car repairs

⁴ Legislative Budget Board Staff, TEXAS STATE GOVERNMENT EFFECTIVENESS AND EFFICIENCY SELECTED ISSUES AND RECOMMENDATIONS 421-30 (80TH TEXAS LEGISLATURE JANUARY 2007).

⁵ Ibid. 425.

after it was hit in front of her house. Under Texas Driver Responsibility laws she will also face over \$3,000 in surcharges. A summary of how these surcharges work is in Exhibit A.

Joe Martinez works at a local printing press and pays for his own schooling at the University of Texas at El Paso. Martinez was arrested for failure to maintain financial responsibility. Joe has paid a fine of \$350 for his violation but confesses to not knowing how he will pay surcharges totaling \$750 and maintain insurance over the next three years. If his license is suspended by DPS, he fears being pulled over at citywide checkpoints and receiving additional fines.

Monica Jackson is a single mother, and mentions that rising gas prices and high insurance rates have had a negative impact on her ability to comply with driver surcharges. She feels that she has been put in a tough position where she must choose between being compliant with the law and paying her fines, or providing for her child's needs.

When up to 11% of municipal populations now have outstanding arrest warrants based mostly on traffic violations, we believe that working class families are being dramatically impacted. When SB 1723 was passed, data based on a New Jersey study⁶ showed a disproportionate impact of surcharges on middle and low income communities. We now request that an interim study be conducted to determine whether or not a correlation such as the one we described truly exists and how compliance rates across the state could be improved while encouraging active work participation. Though studies have already been done on the economic impact and compliance rates of Driver Responsibility laws for the 80th session, they do not adequately take into account the initial burden on offenders of paying for municipal violations.

They also fail to address whether or not it is good policy to fund trauma care through the use of Driver Responsibility Laws. With poor compliance rates, excessive surcharges, and its disproportionate impact on Texans, Driver Responsibility laws are increasingly resembling debtor's prisons. Sound tax policy should not rest on prison time for one in ten Texans to fund trauma care.

I look forward to working with you on this important issue.

Very truly yours,



Eliot Shapleigh

ES/ad

cc: Lt. Gov. David Dewhurst, Julia Rathgeber, Steven Polunsky

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⁶ Ibid. 427-30.