

By: Hopson

H.B. No. 3608

A BILL TO BE ENTITLED

AN ACT

1
2 relating to persons placed on community supervision and drivers
3 license revocation requiring electronic monitoring of driving
4 activity.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 521.251, Transportation Code, is amended
7 to read as follows:

8 Sec. 521.251. EFFECTIVE DATE OF OCCUPATIONAL LICENSE. (a)
9 If a person's license is suspended under Chapter 524 or 724 and the
10 person has not had a prior suspension arising from an
11 alcohol-related or drug-related offense enforcement contact in the
12 five years preceding the date of the person's arrest, an order under
13 this subchapter granting the person an occupational license takes
14 effect immediately. However, the court shall order the person to
15 comply with the counseling and rehabilitative program required
16 under Section 521.245. The court may require that the person submit
17 to Section 13. (o), Article 42.12, Code of Criminal Procedure.

18 (b) If the person's driver's license has been suspended as a
19 result of an alcohol-related or drug-related enforcement contact
20 during the five years preceding the date of the person's arrest, the
21 order may not take effect before the 91st day after the effective
22 date of the suspension, unless the person submits to Section 13.
23 (o), Article 42.12, Code of Criminal Procedures.

24 (c) If the person's driver's license has been suspended as a

1 result of a conviction under Section 49.04, 49.07, or 49.08, Penal
2 Code, during the five years preceding the date of the person's
3 effective date~~-,~~ unless the person submits to Section 13. (o),
4 Article 42.12, Code of Criminal Procedures.

5 (d) Notwithstanding any other provision in this section, if
6 the person's driver's license has been suspended as a result of a
7 second or subsequent conviction under Section 49.04, 49.07, or
8 49.08, Penal Code, committed within five years of the date on which
9 the most recent preceding offense was committed, an order granting
10 the person an occupational license may not take effect before the
11 first anniversary of the effective date of the suspension~~-,~~ unless
12 the person submits to Section 13. (o), Article 42.12, Code of
13 Criminal Procedure.

14 (e) For the purposes of this section, "alcohol-related or
15 drug-related enforcement contact" has the meaning assigned by
16 Section 524.001.

17 SECTION 2. Article 42.12, Code of Criminal Procedures, is
18 amended to read as follows:

19 Section 13. (o) If a person convicted of an offense under
20 Sections 49.04 Penal Code, is placed on community supervision, the
21 court shall require as a condition of community supervision, the
22 defendant to wear an electronic monitoring device capable of
23 providing to the court or its community supervision and corrections
24 department designees data regarding the driving activity of the
25 defendant; and

26 (1) order the device to be worn by the defendant for a period
27 of not less than 50 percent of the supervision period; and

1 (2) require that the defendant pay for all or part of the
2 cost of such device based on the defendant's ability to pay. If the
3 court determines the offender is unable to pay for the device, the
4 court may impose a reasonable payment schedule not to exceed twice
5 the period of the court's order.

6 SECTION 3. This Act takes effect September 1, 2007.