

By: Carona

S.B. No. 329

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the automatic suspension of the driver's license of a
3 person convicted of certain organized crime offenses; providing
4 penalties.

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

6 SECTION 1. Section 521.343(a), Transportation Code, is
7 amended to read as follows:

8 (a) Except as provided by Sections 521.342(b), 521.344(a),
9 (b), (d), (e), (f), (g), (h), and (i), 521.345, 521.346, 521.3465,
10 [~~and~~] 521.351, and 521.352, a suspension under this subchapter is
11 for one year.

12 SECTION 2. Subchapter O, Chapter 521, Transportation Code,
13 is amended by adding Section 521.352 to read as follows:

14 Sec. 521.352. SUSPENSION FOR CERTAIN ORGANIZED CRIME
15 OFFENSES. (a) A person's license is automatically suspended on
16 conviction of the person for an offense under Chapter 71, Penal
17 Code.

18 (b) The department may not issue a driver's license to a
19 person convicted of an offense specified in Subsection (a) who, on
20 the date of the conviction, did not hold a license.

21 (c) The period of license suspension or prohibition under
22 this section begins on a date set by the court that is not earlier
23 than the date of conviction or later than the 30th day after the
24 date of conviction. Except as provided by Subsection (d), the

1 period of license suspension or prohibition under this section
2 expires on the first anniversary of the date the suspension or
3 prohibition began.

4 (d) If on the date of conviction the defendant is younger
5 than 21 years of age, the period of license suspension or
6 prohibition continues until the later of:

7 (1) the first anniversary of the date the suspension
8 or prohibition began; or

9 (2) the date on which the defendant attains the age of
10 21.

11 SECTION 3. Section 521.457, Transportation Code, is amended
12 by amending Subsection (e) and adding Subsection (f-2) to read as
13 follows:

14 (e) Except as provided by Subsections (f), ~~and~~ (f-1), and
15 (f-2), an offense under this section is a Class C misdemeanor.

16 (f-2) If it is shown on the trial of an offense under this
17 section that the person operated a motor vehicle on a highway during
18 a period that the person's driver's license was suspended under
19 Section 521.352 or the person was prohibited from obtaining a
20 driver's license under that section, the offense is a state jail
21 felony.

22 SECTION 4. (a) The change in law made by this Act applies
23 only to an offense committed on or after September 1, 2009.

24 (b) An offense committed before September 1, 2009, is
25 covered by the law in effect when the offense was committed, and the
26 former law is continued in effect for that purpose. For purposes of
27 this subsection, an offense was committed before September 1, 2009,

1 if any element of the offense was committed before that date.

2 SECTION 5. This Act takes effect September 1, 2009.