

BILL ANALYSIS

H.B. 3815
By: Carter
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties assert that repeat DWI offenders are particularly dangerous and, unfortunately, common on Texas roads. The parties note that, to combat drivers who continually drive under the influence of alcohol, many states have enacted laws to suspend or revoke a person's driver's license after a certain number of DWI convictions. H.B. 3815 seeks to follow this trend by providing for the mandatory suspension of a person's driver's license or denial of license issuance for 10 years if the person has been convicted four or more times of certain DWI-related offenses.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3815 amends the Penal Code to require a court, if it is shown at the trial of a person convicted of driving while intoxicated, driving while intoxicated with a child passenger, intoxication assault, or intoxication manslaughter that the person has been previously convicted four or more times of any of those offenses, to order the Department of Public Safety (DPS) to suspend the person's driver's license or permit for a period of 10 years, or, if the person does not have a license or permit, to deny the issuance of a license or permit to the person until the 10th anniversary of the date of the order. The bill's requirement controls to the extent of a conflict between the requirement and statutory provisions relating to DWI community supervision or to the automatic suspension of a driver's license.

H.B. 3815 amends the Code of Criminal Procedure to exclude a person whose driver's license or permit is the subject of such a court order from the statutory provision authorizing a jury recommending community supervision for a person convicted of certain intoxication offenses to recommend that any driver's license issued to the defendant not be suspended. The bill expands the factors that a judge is authorized to consider in determining good cause to waive the educational program requirement for a defendant punished for certain enhanced intoxication offenses to include the fact that the defendant has no valid driver's license.

H.B. 3815 amends the Transportation Code to prohibit DPS from issuing a driver's license to a person whose license or permit is the subject of a court order issued under the bill's provisions until the 10th anniversary of the date of that order and prohibits such a person from operating a motor vehicle under the authority of an occupational license for more than four hours in any 24-hour period, except that the bill authorizes the court, on a showing of necessity, to allow the person to drive for any period determined by the court that does not exceed nine hours in any 24-hour period.

EFFECTIVE DATE

September 1, 2013.