

## **BILL ANALYSIS**

Senate Research Center  
86R2161 JSC-F

S.B. 691  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

In 1991, Congress passed a misguided mandate requiring states to suspend the driver's licenses of all drug offenders regardless of circumstance or lose federal transportation dollars. This federal mandate is codified in Section 521.372, Transportation Code, and automatically suspends the driver's license of any drug offender for six months until the individual pays a fee of \$100 and takes a 15-hour course on the dangers of drug abuse.

Every year Texas suspends 13,000 driver's licenses for drug offenses unrelated to driving. This means an individual convicted of a misdemeanor marijuana offense, for example, is subject to an automatic suspension of their driver's license—jeopardizing their employment and ability to repay court costs and fines. Many individuals affected by the suspension continue to drive without a license, putting themselves at risk of additional criminal charges. These harsh and punitive penalties have the potential to send many low-income individuals into debt and saddle them with unnecessary and unproductive criminal charges.

Fortunately, federal law now allows states to affirmatively opt-out of the automatic license suspension provision if the state's legislature and governor submit a written certification to the U.S. Secretary of Transportation expressing the state's opposition to the mandate. S.C.R. 10 and H.C.R. 33, also filed, would exempt Texas from this mandate.

Contingent on the passage of S.C.R. 10 or H.C.R. 33, S.B. 691 would fully repeal the law requiring the automatic license suspension of those convicted of drug offenses. Drug offenders would still be subject to normal criminal penalties, but would not have their lives unnecessarily disrupted by the ineffective and punitive practice of automatic license suspension.

As proposed, S.B. 691 amends current law relating to repealing automatic driver's license suspensions for certain drug offenses.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Repealer: Subchapter P (Automatic Suspension For Certain Drug Offenses), Chapter 521, Transportation Code.

SECTION 2. Amends Section 106.115(a), Alcoholic Beverage Code, as follows:

(a) Requires the court, on placement of a minor on deferred disposition for an offense under certain sections, to require a defendant to attend a drug education program approved by the Department of State Health Services (DSHS), rather than approved by DSHS in accordance with Section 521.374 (Educational Program or Equivalent Program), Transportation Code, or a drug and alcohol driving awareness program approved by the Texas Education Agency.

SECTION 3. Amends Article 42A.514(a), Code of Criminal Procedure, as follows:

(a) Authorizes a judge, contingent under certain sections, to require a defendant as a condition of community supervision to attend, as appropriate, a drug education program that is designed to educate persons on the dangers of drug abuse and is approved by DSHS, rather than is approved by DSHS in accordance with Section 521.374, Transportation Code.

SECTION 4. Amends Article 45.051(b), Code of Criminal Procedure, to make a conforming change.

SECTION 5. Amends Section 53.03(h-1), Family Code, to make a conforming change.

SECTION 6. Amends Sections 54.042(a) and (c), Family Code, as follows:

(a) Makes nonsubstantive change. Redesignates existing text of Subdivision (1) as Subsection (a).

(1) Redesignates existing text of Paragraph (A) as Subdivision (1).

(2) Redesignates existing text of Paragraph (B) as Subdivision (2). Deletes text of previously existing Subdivision (2) requiring a juvenile court to notify the Department of Public Safety of the adjudication, if the court finds that the child has engaged in conduct that violates a law of this state enumerated in Section 521.372(a) (relating to a person's driver's license being automatically suspended on final conviction of certain offenses), Transportation Code.

(c) Requires the order under Subsection (a), rather than under Subsection (a)(1), to specify a period of suspension or denial of 365 days.

SECTION 7. Amends Section 54.047(a), Family Code, to make a conforming change.

SECTION 8. Amends Section 521.342(a), Transportation Code, as follows:

(a) Provides that the license of a person who was under 21 years of age at the time of the offense, except as provided by Section 521.344 (Suspension For Offenses Involving Intoxication), other than an offense classified as a misdemeanor punishable by fine only, is automatically suspended on conviction of certain offenses, including a misdemeanor offense under Chapter 481 (Texas Controlled Substances Act), Health and Safety Code, rather than a misdemeanor offense under Chapter 481, Health and Safety Code, for which Subchapter P does not require the automatic suspension of the license.

SECTION 9. Provides that this Act takes effect on the 91st day after the date the office of the Texas attorney general publishes in the Texas Register a finding that:

(1) the legislature of this state has adopted a resolution expressing the legislature's opposition to a law meeting the requirements of 23 U.S.C. Section 159 in suspending, revoking, or denying the driver's license of a person convicted of a drug offense for a period of six months;

(2) the governor of this state has submitted to the United States secretary of transportation:

(A) a written certification of the governor's opposition to the enactment or enforcement of a law required under 23 U.S.C. Section 159; and

(B) a written certification that the legislature has adopted the resolution described by Subdivision (1) of this section; and

(3) the United States secretary of transportation has responded to the governor's submission and certified that highway funds will not be withheld from this state in response to the repeal of the law required under 23 U.S.C. Section 159.