By:  Johnson S.B. No. 691

(In the Senate - Filed February 7, 2019; March 1, 2019, read first time and referred to Committee on Criminal Justice; April 23, 2019, reported adversely, with favorable Committee Substitute by the following vote: Yeas 5, Nays 1; April 23, 2019, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Whitmire        X

Huffman             X

Buckingham      X

Flores          X

Hughes                    X

Miles           X

Perry           X

COMMITTEE SUBSTITUTE FOR S.B. No. 691 By:  Perry

A BILL TO BE ENTITLED

AN ACT

relating to suspension of a driver's license for persons convicted of certain misdemeanor drug possession offenses.

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

SECTION 1.  Section 521.372(a), Transportation Code, is amended to read as follows:

(a)  Except as otherwise provided by Section 521.3725, a [~~A~~] person's driver's license is automatically suspended on final conviction of:

(1)  an offense under the Controlled Substances Act;

(2)  a drug offense; or

(3)  a felony under Chapter 481, Health and Safety Code, that is not a drug offense.

SECTION 2.  Subchapter P, Chapter 521, Transportation Code, is amended by adding Section 521.3725 to read as follows:

Sec. 521.3725.  MISDEMEANOR DEFENDANTS. (a)  This section applies only to a person:

(1)  who is convicted of a misdemeanor possession offense under Section 481.1161, 481.117, 481.118, or 481.121, Health and Safety Code, other than an offense for which punishment is increased under Section 481.134 of that code; and

(2)  whose driver's license is not subject to suspension for that offense or another offense arising from the same criminal episode under a provision other than Section 521.372.

(b)  The driver's license of a person described by Subsection (a) is automatically suspended as provided by Section 521.372, except that:

(1)  the suspension does not begin until the 180th day after the date of the person's final conviction; and

(2)  the person's license is no longer subject to suspension under Section 521.372 if, before the date the suspension is to begin under Subdivision (1):

(A)  the department receives notification from the clerk of the court in which the person was convicted that the person has successfully completed an educational program under Section 521.374 or equivalent education in a residential treatment facility authorized under that section; and

(B)  the person pays any applicable fees.

(c)  The period of suspension for a person described by Subsection (a) who does not complete the educational program described by Subsection (b)(2)(A) and pay the fees described by Subsection (b)(2)(B) is 180 days, except that the license may be reinstated during that period as provided by Section 521.377(a-1).

SECTION 3.  Section 521.374(a), Transportation Code, as amended by Chapters 851 (S.B. 1070), 1004 (H.B. 642), and 838 (S.B. 202), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

(a)  A person whose license is suspended under Section 521.372 may:

(1)  attend an educational program, approved by the Texas Department of Licensing and Regulation [~~Department of State Health Services~~] under rules adopted by the Texas Commission of Licensing and Regulation [~~executive commissioner of the Health and Human Services Commission~~] and the department, that is designed to educate persons on the dangers of drug abuse; or

(2)  successfully complete education on the dangers of drug abuse approved by the Department of State Health Services as equivalent to the educational program described by Subdivision (1), while the person is a resident of a facility for the treatment of drug abuse or chemical dependency, including:

(A)  a substance abuse treatment facility or substance abuse felony punishment facility operated by the Texas Department of Criminal Justice under Section 493.009, Government Code;

(B)  a community corrections facility, as defined by Section 509.001, Government Code; or

(C)  a chemical dependency treatment facility licensed under Chapter 464, Health and Safety Code.

SECTION 4.  Section 521.377, Transportation Code, is amended by adding Subsection (a-1) to read as follows:

(a-1)  Notwithstanding Subsection (a)(2), the court shall end the period of suspension and immediately reinstate the license of a person described by Section 521.3725 on notification described by Subsection (a)(1), provided the person pays any applicable fees.

SECTION 5.  This Act takes effect on the 91st day after the date the office of the 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 modification or full or partial repeal of the law required under 23 U.S.C. Section 159.

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