

By: White

H.B. No. 1013

A BILL TO BE ENTITLED

AN ACT

relating to repealing automatic driver's license suspensions for certain drug offenses.

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

SECTION 1. Subchapter P, Chapter 521, Transportation Code, is repealed.

SECTION 2. Section 106.115(a), Alcoholic Beverage Code, is amended to read as follows:

(a) On the placement of a minor on deferred disposition for an offense under Section 49.02, Penal Code, or under Section 106.02, 106.025, 106.04, 106.041, 106.05, or 106.07, the court shall require the defendant to attend an alcohol awareness program approved by the Texas Department of Licensing and Regulation under this section, a drug education program approved by the Department of State Health Services ~~[in accordance with Section 521.374, Transportation Code]~~, or a drug and alcohol driving awareness program approved by the Texas Education Agency. On conviction of a minor of an offense under one or more of those sections, the court, in addition to assessing a fine as provided by those sections, shall require a defendant who has not been previously convicted of an offense under one of those sections to attend an alcohol awareness program, a drug education program, or a drug and alcohol driving awareness program described by this subsection. If the defendant has been previously convicted once or more of an offense under one

1 or more of those sections, the court may require the defendant to
2 attend an alcohol awareness program, a drug education program, or a
3 drug and alcohol driving awareness program described by this
4 subsection. If the defendant is younger than 18 years of age, the
5 court may require the parent or guardian of the defendant to attend
6 the program with the defendant. The Texas Department of Licensing
7 and Regulation or Texas Commission of Licensing and Regulation, as
8 appropriate:

9 (1) is responsible for the administration of the
10 certification of approved alcohol awareness programs;

11 (2) may charge a nonrefundable application fee for:

12 (A) initial certification of the approval; or

13 (B) renewal of the certification;

14 (3) shall adopt rules regarding alcohol awareness
15 programs approved under this section; and

16 (4) shall monitor, coordinate, and provide training to
17 a person who provides an alcohol awareness program.

18 SECTION 3. Article [42A.514](#)(a), Code of Criminal Procedure,
19 is amended to read as follows:

20 (a) If a judge grants community supervision to a defendant
21 younger than 18 years of age convicted of an alcohol-related
22 offense under Section [106.02](#), [106.025](#), [106.04](#), [106.041](#), [106.05](#), or
23 [106.07](#), Alcoholic Beverage Code, or Section [49.02](#), Penal Code, or
24 an offense involving possession of a controlled substance or
25 marihuana under Section [481.115](#), [481.1151](#), [481.116](#), [481.1161](#),
26 [481.117](#), [481.118](#), or [481.121](#), Health and Safety Code, the judge may
27 require the defendant as a condition of community supervision to

1 attend, as appropriate:

2 (1) an alcohol awareness program approved under
3 Section 106.115, Alcoholic Beverage Code; or

4 (2) a drug education program that is designed to
5 educate persons on the dangers of drug abuse and is approved by the
6 Department of State Health Services [~~in accordance with Section~~
7 ~~521.374, Transportation Code~~].

8 SECTION 4. Article 45.051(b), Code of Criminal Procedure,
9 is amended to read as follows:

10 (b) During the deferral period, the judge may require the
11 defendant to:

12 (1) post a bond in the amount of the fine assessed to
13 secure payment of the fine;

14 (2) pay restitution to the victim of the offense in an
15 amount not to exceed the fine assessed;

16 (3) submit to professional counseling;

17 (4) submit to diagnostic testing for alcohol or a
18 controlled substance or drug;

19 (5) submit to a psychosocial assessment;

20 (6) participate in an alcohol or drug abuse treatment
21 or education program, such as:

22 (A) a drug education program that is designed to
23 educate persons on the dangers of drug abuse and is approved by the
24 Department of State Health Services [~~in accordance with Section~~
25 ~~521.374, Transportation Code~~]; or

26 (B) an alcohol awareness program described by
27 Section 106.115, Alcoholic Beverage Code;

1 (7) pay the costs of any diagnostic testing,
2 psychosocial assessment, or participation in a treatment or
3 education program either directly or through the court as court
4 costs;

5 (8) complete a driving safety course approved under
6 Chapter 1001, Education Code, or another course as directed by the
7 judge;

8 (9) present to the court satisfactory evidence that
9 the defendant has complied with each requirement imposed by the
10 judge under this article; and

11 (10) comply with any other reasonable condition.

12 SECTION 5. Section 53.03(h-1), Family Code, is amended to
13 read as follows:

14 (h-1) If the child is alleged to have engaged in delinquent
15 conduct or conduct indicating a need for supervision that violates
16 Section 481.115, 481.1151, 481.116, 481.1161, 481.117, 481.118, or
17 481.121, Health and Safety Code, deferred prosecution under this
18 section may include a condition that the child attend a drug
19 education program that is designed to educate persons on the
20 dangers of drug abuse and is approved by the Department of State
21 Health Services [~~in accordance with Section 521.374,~~
22 ~~Transportation Code~~].

23 SECTION 6. Sections 54.042(a) and (c), Family Code, are
24 amended to read as follows:

25 (a) A juvenile court, in a disposition hearing under Section
26 54.04, shall[+]

27 [~~(1)~~] order the Department of Public Safety to suspend

1 a child's driver's license or permit, or if the child does not have a
2 license or permit, to deny the issuance of a license or permit to
3 the child if the court finds that the child has engaged in conduct
4 that:

5 (1) ~~[(A)]~~ violates a law of this state enumerated in
6 Section 521.342(a), Transportation Code; or

7 (2) ~~[(B)]~~ violates a penal law of this state or the
8 United States, an element or elements of which involve a severe form
9 of trafficking in persons, as defined by 22 U.S.C. Section 7102[~~, or~~

10 ~~[(2) notify the Department of Public Safety of the~~
11 ~~adjudication, if the court finds that the child has engaged in~~
12 ~~conduct that violates a law of this state enumerated in Section~~
13 ~~521.372(a), Transportation Code].~~

14 (c) The order under Subsection (a) ~~[(a)(1)]~~ shall specify a
15 period of suspension or denial of 365 days.

16 SECTION 7. Section 54.047(a), Family Code, is amended to
17 read as follows:

18 (a) If the court or jury finds at an adjudication hearing
19 for a child that the child engaged in delinquent conduct or conduct
20 indicating a need for supervision that constitutes a violation of
21 Section 481.115, 481.1151, 481.116, 481.1161, 481.117, 481.118, or
22 481.121, Health and Safety Code, the court may order that the child
23 attend a drug education program that is designed to educate persons
24 on the dangers of drug abuse and is approved by the Department of
25 State Health Services ~~[in accordance with Section 521.374,~~
26 ~~Transportation Code].~~

27 SECTION 8. Section 521.342(a), Transportation Code, is

1 amended to read as follows:

2 (a) Except as provided by Section 521.344, the license of a
3 person who was under 21 years of age at the time of the offense,
4 other than an offense classified as a misdemeanor punishable by
5 fine only, is automatically suspended on conviction of:

6 (1) an offense under Section 49.04, 49.045, or 49.07,
7 Penal Code, committed as a result of the introduction of alcohol
8 into the body;

9 (2) an offense under the Alcoholic Beverage Code,
10 other than an offense to which Section 106.071 of that code applies,
11 involving the manufacture, delivery, possession, transportation,
12 or use of an alcoholic beverage;

13 (3) a misdemeanor offense under Chapter 481, Health
14 and Safety Code~~[, for which Subchapter P does not require the~~
15 ~~automatic suspension of the license]~~;

16 (4) an offense under Chapter 483, Health and Safety
17 Code, involving the manufacture, delivery, possession,
18 transportation, or use of a dangerous drug; or

19 (5) an offense under Chapter 485, Health and Safety
20 Code, involving the manufacture, delivery, possession,
21 transportation, or use of an abusable volatile chemical.

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

25 (1) the legislature of this state has adopted a
26 resolution expressing the legislature's opposition to a law meeting
27 the requirements of 23 U.S.C. Section 159 in suspending, revoking,

1 or denying the driver's license of a person convicted of a drug
2 offense for a period of six months;

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

5 (A) a written certification of the governor's
6 opposition to the enactment or enforcement of a law required under
7 23 U.S.C. Section 159; and

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

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