

By: Johnson, et al.
(Nevárez)

S.B. No. 691

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.

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

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

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

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

14 (B) the person pays a fee in an amount that is
15 equivalent to the sum of all fees applicable to a suspension and
16 reinstatement of a license under this subchapter, regardless of
17 whether the person's license is suspended or reinstated.

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

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

27 (a) A person whose license is suspended under Section

1 521.372 may:

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

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

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

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

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

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

23 (a-1) Notwithstanding Subsection (a)(2), the court shall
24 end the period of suspension and immediately reinstate the license
25 of a person described by Section 521.3725 on notification described
26 by Subsection (a)(1), provided the person pays a fee in an amount
27 that is equivalent to the sum of all fees applicable to a suspension

1 and reinstatement of a license under this subchapter.

2 SECTION 5. This Act takes effect on the 91st day after the
3 date the office of the attorney general publishes in the Texas
4 Register a finding that:

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

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

12 (A) a written certification of the governor's
13 opposition to the enactment or enforcement of a law required under
14 23 U.S.C. Section 159; and

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

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