By: Johnson S.C.R. No. 10 (White)

SENATE CONCURRENT RESOLUTION 1 2 WHEREAS, States are required under 23 U.S.C. Section 159 to enact and enforce a law requiring in all circumstances the 3 4 revocation, or suspension for at least six months, of the driver's license of an individual who is convicted of a drug offense; and 5 6 WHEREAS, A state's noncompliance with the federal law could result in the United States secretary of transportation withholding 7 8 10 percent of the amount required to be apportioned to the state 9 under the law governing federal aid for highways; and 10 WHEREAS, In 1991, Texas enacted Section 521.372, Transportation Code, Automatic Suspension; License Denial, to 11 12 comply with the federal law; the Texas law establishes a six-month 13 license suspension period after a person is convicted of a drug offense and a six-month license denial period after the person 14 15 applies for reinstatement or issuance of a driver's license; and WHEREAS, Under Texas law, a person convicted of a misdemeanor 16 17 drug offense loses their driver's license for at least six months, 18 making it difficult for the person to keep a job and provide for their family; and 19 WHEREAS, Upon release from confinement, a person convicted of 20 a felony drug offense in Texas also loses their driver's license for 21 22 at least six months, making it harder for the person to reintegrate 23 into society; and

WHEREAS, The federal mandate for states to enact and enforce

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- 1 a law requiring automatic suspension of the driver's license of an
- 2 individual who is convicted of any drug-related offense
- 3 inappropriately limits the ability of Texas courts to exercise
- 4 discretion in determining punishment; and
- 5 WHEREAS, As an alternative to enacting or enforcing such a
- 6 law, the governor of a state can submit a written certification to
- 7 the United States secretary of transportation stating the
- 8 governor's opposition to the enactment or enforcement in the state
- 9 of such a law; and
- 10 WHEREAS, A governor pursuing this alternative must also
- 11 certify that the state legislature has adopted a concurrent
- 12 resolution expressing opposition to the enactment or enforcement in
- 13 the state of such a law; and
- 14 WHEREAS, Texas should join the numerous other states that
- 15 have met the certification requirements in a federal rule (23
- 16 C.F.R. Section 192.5(c)) by submitting a written statement from the
- 17 governor and a concurrent resolution from the state legislature to
- 18 the United States secretary of transportation; now, therefore, be
- 19 it
- 20 RESOLVED, That the 86th Legislature of the State of Texas
- 21 hereby express opposition to the enactment or enforcement in Texas
- 22 of a law that automatically suspends the driver's license of an
- 23 individual who is convicted of any drug-related offense; and, be it
- 24 further
- 25 RESOLVED, That the Texas secretary of state forward official
- 26 copies of this resolution to the executive clerk of the Office of
- 27 the Governor, with the request that the governor submit the

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- 1 resolution to the United States secretary of transportation along
- 2 with written certification pursuant to 23 C.F.R. Section 192.5(c).