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| BILL ANALYSIS |

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| C.S.H.B. 4528 |
| By: Wilson |
| Homeland Security & Public Safety |
| Committee Report (Substituted) |

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| **BACKGROUND AND PURPOSE**  State law currently requires peace officers to confiscate a driver's license from an individual upon arrest of the person for failure to pass an intoxication test or for refusal to take one. However, the Department of Public Safety (DPS) reports that it can suspend a driver's license electronically and no longer has a need to collect the physical card. Because a driver's license is integral in many people's ability to obtain services or exercise other rights aside from driving, officers should not confiscate a person's driver's license if DPS can suspend the license electronically. C.S.H.B. 4528 seeks to modernize state law by removing the requirement for a peace officer to take an individual's driver's license upon refusal to take an intoxication test or upon failing such a test as a means of suspending the license. |
| **CRIMINAL JUSTICE IMPACT**  It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision. |
| **RULEMAKING AUTHORITY**  It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution. |
| **ANALYSIS**  C.S.H.B. 4528 amends the Transportation Code to remove the requirements for a peace officer to take possession of any driver's license issued by the Department of Public Safety held by a person arrested for failure to pass an intoxication test or refusal to submit to the taking of a specimen to test for intoxication, whether expressly or because of the person's intentional failure to give the specimen, and to issue a temporary driving permit to the person. The bill applies to a failure to pass a test for intoxication or a refusal to submit to the taking of a specimen to test for intoxication that occurs on or after the bill's effective date.  C.S.H.B. 4528 amends the Family Code to make a conforming change.  C.S.H.B. 4528 repeals Sections 524.011(f), 524.037(c), and 724.032(e), Transportation Code. |
| **EFFECTIVE DATE**  September 1, 2023. |
| **COMPARISON OF INTRODUCED AND SUBSTITUTE**  C.S.H.B 4528 differs from the introduced only by including a Texas Legislative Council draft number in the footer. |