

## **BILL ANALYSIS**

S.B. 691  
By: Johnson  
Homeland Security & Public Safety  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

It has been noted that individuals convicted of a drug offense in Texas automatically have their driver's license suspended even when the drug offense did not involve a motor vehicle violation. Reports indicate that many Texans lose their legal right to operate a motor vehicle due to these automatic suspensions every year, making it difficult for these individuals to maintain employment or to access treatment options relating to their drug offense. S.B. 691 seeks to address this issue by creating a new license suspension pathway for misdemeanor drug possession offenses that provides a 180-day grace period for offenders to take an applicable education course and pay a fee to avoid license suspension.

### **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**

S.B. 691 amends the Transportation Code to establish that the driver's license of a person who is convicted of an applicable misdemeanor drug possession offense under the Texas Controlled Substances Act and whose driver's license is not subject to suspension for that offense or another offense arising from the same criminal episode under a provision of state law other than the statutory provisions providing for automatic suspension of a driver's license on final conviction of certain drug offenses is automatically suspended as provided by those provisions, except that:

- the suspension does not begin until the 180th day after the date of the person's final conviction; and
- the person's license is no longer subject to suspension if, before the date the suspension is to begin, the following occurs:
  - the Department of Public Safety receives notification from the clerk of the court in which the person was convicted that the person has successfully completed an educational program or equivalent education in a residential treatment facility authorized under the applicable statutory provision; and
  - the person pays a fee in an amount that is equivalent to the sum of all fees applicable to a suspension and reinstatement of a license under statutory provisions relating to automatic suspension for certain drug offenses, regardless of whether the person's license is suspended or reinstated.

S.B. 691 establishes that the period of suspension for such a person who does not complete that educational program and pay the requisite fees is 180 days, except that during that 180-day period the court must end the period of suspension and immediately reinstate the person's license on notification that the person has completed the educational program, provided the person pays a fee in an amount that is equivalent to the sum of all fees applicable to a suspension and reinstatement of a license.

S.B. 691 reenacts and amends 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, to conform to the changes made by Chapter 838 (S.B. 202).

S.B. 691 takes effect on the 91st day after the date the office of the attorney general publishes in the Texas Register a finding that:

- the state legislature has adopted a resolution expressing the legislature's opposition to a law meeting the requirements of specified federal law in suspending, revoking, or denying the driver's license of a person convicted of a drug offense for a period of six months;
- the governor has submitted to the U.S. secretary of transportation a written certification of the governor's opposition to the enactment or enforcement of a law required under such federal law and a written certification that the legislature has adopted the resolution; and
- the U.S. secretary of transportation has responded to the governor's submission and certified that highway funds will not be withheld from the state in response to the modification or full or partial repeal of the law required under such federal law.

**EFFECTIVE DATE**

91st day after the date the office of the attorney general publishes in the Texas Register the finding specified by the bill.