

SUBJECT: Commercial drivers license ban if transport, conceal, or harbor alien

COMMITTEE: Public Safety — favorable, without amendment

VOTE: 5 ayes — Merritt, Frost, Burnam, Driver, Rodriguez

0 nays

4 absent — P. King, Lewis, Mallory Caraway, Vo

SENATE VOTE: On final passage, April 30 — 31-0, on Local and Uncontested Calendar

WITNESSES: For — None

Against — None

On — Sherrie Zgabay, Texas Department of Public Safety

BACKGROUND: Transportation Code sec. 522.081 (d) lists three circumstances involving criminal offenses under which persons can be disqualified for life from driving a commercial motor vehicle.

Family Code sec. 54.042 requires juvenile courts to order the Department of Public Safety (DPS) to suspend a child's driver's license or permit, or deny the issuance of one, if the court finds that the child had engaged in certain offenses involving drugs or alcohol.

8 U.S.C. sec. 1324 makes it a federal crime to bring in or harbor certain aliens.

DIGEST: SB 501 would disqualify for life from driving a commercial motor vehicle persons who used a motor vehicle in the commission of a federal crime involving the transportation, concealment, or harboring of an alien.

SB 501 would require juvenile courts to order DPS to suspend a child's driver's license or permit, or deny the issuance of one, if the court found that the child had committed a Texas or U.S. crime with an element involving a severe form of trafficking in persons as defined by federal law.

The bill would take effect September 1, 2009,

The provision dealing with commercial drivers licenses would apply only to convictions that become final on or after the bill's effective date. The provisions dealing with children's driver's licenses would apply only to conduct that occurred on or after the effective date.

**SUPPORTERS
SAY:**

SB 501 would give law enforcement authorities another tool to combat the use of commercial vehicles to smuggle aliens. These crimes can be especially difficult to detect because of the large volume of commercial truck traffic and limited law enforcement resources. Smuggling aliens into the country can threaten national security, and the U.S. Border Patrol has suggested that increased penalties could help fight these crimes.

Current law would result in only a one-year license suspension for a felony conviction involving using a motor vehicle and human smuggling. This is inadequate and inappropriate, since the driving of a commercial truck is integral to the crime itself. SB 501 would address these inadequacies in current law by disqualifying someone for life from driving a commercial motor vehicle if they used a motor vehicle to commit the federal crime of transporting an alien.

Current driver's license law has no provision to suspend the license for juveniles involved in human trafficking. The bill would address this by establishing an appropriate penalty for a juvenile involved in these cases by requiring that the license be suspended. The conviction would have to be for a severe form of trafficking, ensuring that juveniles would have committed a serious crime to merit the penalty in SB 501.

While persons convicted of federal crimes involving smuggling of aliens or trafficking in persons are subject to other criminal penalties, SB 501 would add an appropriate additional punishment that would provide one more deterrent to these crimes.

**OPPONENTS
SAY:**

No apparent opposition.