

BILL ANALYSIS

Senate Research Center
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S.B. 329
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Transportation & Homeland Security
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Criminal gang activity has far reaching negative impacts on communities and these impacts warrant increased deterrents for those who may be considering becoming involved with street gangs. One deterrent would be driver's license suspension.

Currently, Section 521.320 (Suspension for Certain Criminal Mischief; License Denial), Transportation Code, and Section 54.042(b) (relating to a juvenile court ordering the suspension of a license), Family Code, both provide a court with discretion to suspend an offender's driver's license for one year if the offender is convicted of a graffiti offense. However, there are currently no driver's license suspension provisions for offenses related to organized criminal activity under Chapter 71 (Organized Crime), Penal Code.

As proposed, S.B. 329 creates an automatic license suspension penalty on conviction of involvement in an organized crime offense under Chapter 71, Penal Code. S.B. 329 provides that an offense involving driving without a license, while the person's license was suspended under the provisions of this legislation, is a state jail felony.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 521.343(a), Transportation Code, to create an exception under Section 521.352.

SECTION 2. Amends Subchapter O, Chapter 521, Transportation Code, by adding Section 521.352, as follows:

Sec. 521.352. SUSPENSION FOR CERTAIN ORGANIZED CRIME OFFENSES. (a) Provides that a person's license is automatically suspended on conviction of the person for an offense under Chapter 71 (Organized Crime), Penal Code.

(b) Prohibits the Department of Public Safety (DPS) from issuing a driver's license to a person convicted of an offense specified in Subsection (a) who, on the date of the conviction, did not hold a license.

(c) Provides that the period of license suspension or prohibition under this section begins on a date set by the court that is not earlier than the date of conviction or later than the 30th day after the date of conviction. Provides that the period of license suspension or prohibition, except as provided by Subsection (d), under this section expires on the first anniversary of the date the suspension or prohibition began.

(d) Provides that if on the date of conviction the defendant is younger than 21 years of age, the period of license suspension or prohibition continues until the later of:

- (1) the first anniversary of the date the suspension or prohibition began;
or
- (2) the date on which the defendant attains the age of 21.

SECTION 3. Amends Section 521.457, Transportation Code, by amending Subsection (e) and adding Subsection (f-2), as follows:

(e) Creates an exception under Subsection (f-2).

(f-2) Provides that it is a state jail felony, if it is shown on the trial of an offense under this section that the person operated a motor vehicle on a highway during a period that the person's driver's license was suspended under Section 521.352 or the person was prohibited from obtaining a driver's license under that section.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2009.