

BILL ANALYSIS

Senate Research Center
88R8483 JSC-D

H.B. 5183
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

There is confusion regarding what type of treatment facilities the Department of State Health Services (DSHS) needs to monitor and coordinate, and for which they need to provide training, with regard to equivalent educational programs for individuals whose driver's license is suspended following conviction of certain drug offenses. This confusion has rendered DSHS unable to adequately fulfill its responsibilities with regard to these facilities. H.B. 5183 seeks to provide clarity regarding DSHS's duties relating to these treatment facilities and programs.

H.B. 5183 amends current law relating to the approval of equivalent educational programs for persons whose driver's license is suspended following conviction of certain drug offenses.

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 521.376, Transportation Code, by amending Subsection (b) and adding Subsection (c), as follows:

(b) Provides that the Department of State Health Services (DSHS):

(1) is required to monitor, coordinate, and provide training to residential treatment facilities described by Section 521.374(a)(2)(C) (relating to authorizing a person whose license is suspended under a certain section to successfully complete education on the dangers of drug abuse approved by DSHS as equivalent to the educational program described by a certain subdivision, while the person is a resident of a facility for the treatment of drug abuse or chemical dependency, including a chemical dependency treatment facility licensed under Chapter 464 (Facilities Treating Persons with a Chemical Dependency), Health and Safety Code), rather than Section 521.374(a)(2) (relating to authorizing a person whose license is suspended under a certain section to successfully complete education on the dangers of drug abuse approved by DSHS as equivalent to the educational program described by a certain subdivision, while the person is a resident of a facility for the treatment of drug abuse or chemical dependency), providing equivalent education; and

(2) is required to administer the approval of the equivalent education provided in a facility described by Section 521.374(a)(2)(A) (relating to requiring a person whose license is suspended under a certain section to successfully complete education on the dangers of drug abuse approved by DSHS as equivalent to the educational program while the person is a resident of a facility for the treatment of drug abuse or chemical dependency, including a substance abuse treatment facility or substance abuse felony punishment facility operated by the Texas Department of Criminal Justice (TDCJ)) or (B) (relating to relating to requiring a person whose license is suspended under a certain section to successfully complete education on the dangers of drug abuse approved by DSHS as

equivalent to the educational program while the person is a resident of a facility for the treatment of drug abuse or chemical dependency, including a community corrections facility), rather than in a residential treatment facility.

(c) Requires TDCJ or a community supervision and corrections department established under Chapter 76 (Community Supervision and Corrections Departments), Government Code, operating an equivalent educational program in a facility described by Section 521.374(a)(2)(A) or (B), as applicable, to submit information regarding the program to DSHS for approval under Subchapter P (Suspension for Certain Drug Offenses).

SECTION 2. Effective date: September 1, 2023.