

1-1 By: Johnson S.B. No. 691
1-2 (In the Senate - Filed February 7, 2019; March 1, 2019, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 23, 2019, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 1; April 23, 2019,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10		X		
1-11	X			
1-12	X			
1-13			X	
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 691 By: Perry

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to suspension of a driver's license for persons convicted
1-20 of certain misdemeanor drug possession offenses.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section [521.372\(a\)](#), Transportation Code, is
1-23 amended to read as follows:

1-24 (a) Except as otherwise provided by Section 521.3725, a [A]
1-25 person's driver's license is automatically suspended on final
1-26 conviction of:

1-27 (1) an offense under the Controlled Substances Act;

1-28 (2) a drug offense; or

1-29 (3) a felony under Chapter [481](#), Health and Safety
1-30 Code, that is not a drug offense.

1-31 SECTION 2. Subchapter P, Chapter [521](#), Transportation Code,
1-32 is amended by adding Section 521.3725 to read as follows:

1-33 Sec. 521.3725. MISDEMEANOR DEFENDANTS. (a) This section
1-34 applies only to a person:

1-35 (1) who is convicted of a misdemeanor possession
1-36 offense under Section [481.1161](#), [481.117](#), [481.118](#), or [481.121](#),
1-37 Health and Safety Code, other than an offense for which punishment
1-38 is increased under Section [481.134](#) of that code; and

1-39 (2) whose driver's license is not subject to
1-40 suspension for that offense or another offense arising from the
1-41 same criminal episode under a provision other than Section [521.372](#).

1-42 (b) The driver's license of a person described by Subsection
1-43 (a) is automatically suspended as provided by Section [521.372](#),
1-44 except that:

1-45 (1) the suspension does not begin until the 180th day
1-46 after the date of the person's final conviction; and

1-47 (2) the person's license is no longer subject to
1-48 suspension under Section [521.372](#) if, before the date the suspension
1-49 is to begin under Subdivision (1):

1-50 (A) the department receives notification from
1-51 the clerk of the court in which the person was convicted that the
1-52 person has successfully completed an educational program under
1-53 Section [521.374](#) or equivalent education in a residential treatment
1-54 facility authorized under that section; and

1-55 (B) the person pays any applicable fees.

1-56 (c) The period of suspension for a person described by
1-57 Subsection (a) who does not complete the educational program
1-58 described by Subsection (b)(2)(A) and pay the fees described by
1-59 Subsection (b)(2)(B) is 180 days, except that the license may be
1-60 reinstated during that period as provided by Section [521.377\(a-1\)](#).

2-1 SECTION 3. Section 521.374(a), Transportation Code, as
2-2 amended by Chapters 851 (S.B. 1070), 1004 (H.B. 642), and 838 (S.B.
2-3 202), Acts of the 84th Legislature, Regular Session, 2015, is
2-4 reenacted and amended to read as follows:

2-5 (a) A person whose license is suspended under Section
2-6 521.372 may:

2-7 (1) attend an educational program, approved by the
2-8 Texas Department of Licensing and Regulation [~~Department of State~~
2-9 ~~Health Services~~] under rules adopted by the Texas Commission of
2-10 Licensing and Regulation [~~executive commissioner of the Health and~~
2-11 ~~Human Services Commission~~] and the department, that is designed to
2-12 educate persons on the dangers of drug abuse; or

2-13 (2) successfully complete education on the dangers of
2-14 drug abuse approved by the Department of State Health Services as
2-15 equivalent to the educational program described by Subdivision (1),
2-16 while the person is a resident of a facility for the treatment of
2-17 drug abuse or chemical dependency, including:

2-18 (A) a substance abuse treatment facility or
2-19 substance abuse felony punishment facility operated by the Texas
2-20 Department of Criminal Justice under Section 493.009, Government
2-21 Code;

2-22 (B) a community corrections facility, as defined
2-23 by Section 509.001, Government Code; or

2-24 (C) a chemical dependency treatment facility
2-25 licensed under Chapter 464, Health and Safety Code.

2-26 SECTION 4. Section 521.377, Transportation Code, is amended
2-27 by adding Subsection (a-1) to read as follows:

2-28 (a-1) Notwithstanding Subsection (a)(2), the court shall
2-29 end the period of suspension and immediately reinstate the license
2-30 of a person described by Section 521.3725 on notification described
2-31 by Subsection (a)(1), provided the person pays any applicable fees.

2-32 SECTION 5. This Act takes effect on the 91st day after the
2-33 date the office of the attorney general publishes in the Texas
2-34 Register a finding that:

2-35 (1) the legislature of this state has adopted a
2-36 resolution expressing the legislature's opposition to a law meeting
2-37 the requirements of 23 U.S.C. Section 159 in suspending, revoking,
2-38 or denying the driver's license of a person convicted of a drug
2-39 offense for a period of six months;

2-40 (2) the governor of this state has submitted to the
2-41 United States secretary of transportation:

2-42 (A) a written certification of the governor's
2-43 opposition to the enactment or enforcement of a law required under
2-44 23 U.S.C. Section 159; and

2-45 (B) a written certification that the legislature
2-46 has adopted the resolution described by Subdivision (1) of this
2-47 section; and

2-48 (3) the United States secretary of transportation has
2-49 responded to the governor's submission and certified that highway
2-50 funds will not be withheld from this state in response to the
2-51 modification or full or partial repeal of the law required under 23
2-52 U.S.C. Section 159.

2-53 * * * * *