

1-1 By: Johnson S.C.R. No. 1
 1-2 (In the Senate - Filed November 9, 2020; March 3, 2021, read
 1-3 first time and referred to Committee on Criminal Justice;
 1-4 April 15, 2021, reported favorably by the following vote: Yeas 5,
 1-5 Nays 0; April 15, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Whitmire	X			
1-8 Huffman	X			
1-9 Bettencourt			X	
1-10 Birdwell			X	
1-11 Hinojosa	X			
1-12 Miles	X			
1-13 Nichols	X			

1-15 SENATE CONCURRENT RESOLUTION

1-16 WHEREAS, States are required under 23 U.S.C. Section 159 to
 1-17 enact and enforce a law requiring in all circumstances the
 1-18 revocation, or suspension for at least six months, of the driver's
 1-19 license of an individual who is convicted of a drug offense; and

1-20 WHEREAS, A state's noncompliance with the federal law could
 1-21 result in the U.S. secretary of transportation withholding 10
 1-22 percent of the amount required to be apportioned to the state under
 1-23 the law governing federal aid for highways; and

1-24 WHEREAS, In 1991, Texas enacted Section 521.372,
 1-25 Transportation Code, Automatic Suspension; License Denial, to
 1-26 comply with the federal law; the Texas law establishes a six-month
 1-27 license suspension period after a person is convicted of a drug
 1-28 offense and a six-month license denial period after the person
 1-29 applies for reinstatement or issuance of a driver's license; and

1-30 WHEREAS, Under Texas law, a person convicted of a misdemeanor
 1-31 drug offense loses their driver's license for at least six months,
 1-32 making it difficult for the person to keep a job and provide for
 1-33 their family; and

1-34 WHEREAS, Upon release from confinement, a person convicted of
 1-35 a felony drug offense in Texas also loses their driver's license for
 1-36 at least six months, making it harder for the person to reintegrate
 1-37 into society; and

1-38 WHEREAS, The federal mandate for states to enact and enforce
 1-39 a law requiring automatic suspension of the driver's license of an
 1-40 individual who is convicted of any drug-related offense
 1-41 inappropriately limits the ability of Texas courts to exercise
 1-42 discretion in determining punishment; and

1-43 WHEREAS, As an alternative to enacting or enforcing such a
 1-44 law, the governor of a state can submit a written certification to
 1-45 the U.S. secretary of transportation stating the governor's
 1-46 opposition to the enactment or enforcement in the state of such a
 1-47 law; and

1-48 WHEREAS, A governor pursuing this alternative must also
 1-49 certify that the state legislature has adopted a concurrent
 1-50 resolution expressing opposition to the enactment or enforcement in
 1-51 the state of such a law; and

1-52 WHEREAS, Texas should join the numerous other states that
 1-53 have met the certification requirements in a federal rule (23
 1-54 C.F.R. Section 192.5(c)) by submitting a written statement from the
 1-55 governor and a concurrent resolution from the state legislature to
 1-56 the U.S. secretary of transportation; now, therefore, be it

1-57 RESOLVED, That the 87th Legislature of the State of Texas
 1-58 hereby express opposition to the enactment or enforcement in Texas
 1-59 of a law, under a federal mandate, that automatically suspends the
 1-60 driver's license of an individual who is convicted of certain
 1-61 offenses; and, be it further

2-1 RESOLVED, That the Texas secretary of state forward official
2-2 copies of this resolution to the executive clerk of the Office of
2-3 the Governor, with the request that the governor submit the
2-4 resolution to the U.S. secretary of transportation along with
2-5 written certification pursuant to 23 C.F.R. Section 192.5(c).

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