

CHAPTER 491

S.B. No. 387

AN ACT

relating to the suspension of the driver's privileges of a person convicted of certain offenses or adjudicated as having engaged in certain conduct.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subsections (a), (a-1), and (d), Section 24, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) Except as provided by Subsection (g) of this Section, the license of any person shall be automatically suspended upon final conviction of:

(1) an offense under Section 19.07, Penal Code, committed as a result of the person's criminally negligent operation of a motor vehicle;

(2) an offense under Section 19.05(a)(2), Penal Code;

(3) an offense under Article 67011-1, Revised Statutes, *committed as a result of the introduction of alcohol into the body*;

(4) an offense punishable as a felony under the motor vehicle laws of this State;

(5) an offense under Section 38, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes); or

(6) an offense under Section 32 or 32A of this Act.

(a-1) The license of any person who was younger than 21 years of age at the time of the offense, other than a misdemeanor punishable by fine only, shall be automatically suspended on conviction of:

(1) an offense under Article 67011-1, Revised Statutes, *committed as a result of the introduction of alcohol into the body*;

(2) an offense under the Alcoholic Beverage Code involving the manufacture, delivery, possession, transportation, or use of an alcoholic beverage;

(3) a misdemeanor ~~an~~ offense under Chapter 481, Health and Safety Code (Texas Controlled Substances Act), *for which Section 24B of this Act does not require the*

~~automatic suspension of the license of the person [involving the manufacture, delivery, possession, transportation, or use of a controlled substance];~~

(4) an offense under Chapter 483, Health and Safety Code, involving the manufacture, delivery, possession, transportation, or use of a dangerous drug; or

(5) an offense under Chapter 484, Health and Safety Code, involving the manufacture, delivery, possession, transportation, or use of a volatile chemical.

(d) Except as provided by Subsections (g), (h), and (j) of this Section, if a person is convicted of an offense under Article 67011-1, Revised Statutes, *committed as a result of the introduction of alcohol into the body*, the suspension of the person's license shall be for a period determined by the court according to the following schedule:

(1) not less than ninety (90) or more than three hundred sixty-five (365) days, if the person is punished under Subsection (c) of that article, whether or not the punishment is increased under Subsection (f) of that article; or

(2) not less than one hundred eighty (180) days or more than two (2) years, if the person is punished under Subsection (d) or (e) of that article, whether or not the punishment is increased under Subsection (f) of that article.

SECTION 2. Subsections (a), (b), (d), and (e), Section 24B, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) In this section:

(1) "Controlled Substances Act" means the federal Controlled Substances Act (21 U.S.C. Section 321 et seq.).

(2) "Drug offense" has the meaning assigned by 23 U.S.C. Section 159(c) and includes an offense under Article 67011-1, Revised Statutes, or Section 19.05(a)(2), Penal Code, committed as a result of the introduction into the body of any substance the possession of which is prohibited under the Controlled Substances Act [104, as amended by Section 333, Pub.L. No. 101-516].

(3) "Convicted" includes an adjudication under juvenile proceedings.

(b) The driver's license, if any, of a person shall be automatically suspended on final conviction of:

(1) an offense [~~a felony~~] under the Controlled Substances Act;

(2) a [~~felony~~] drug offense; or

(3) a felony under Chapter 481, Health and Safety Code, *that is not a drug offense*.

(d) The department is prohibited from issuing a driver's license to a person convicted of an offense specified in Subsection (b) of this section [~~a felony under the Controlled Substances Act, of a felony drug offense, or of a felony under Chapter 481, Health and Safety Code,~~] who on the date of conviction did not have a valid driver's license.

(e) The department is prohibited from reinstating the driver's license of a person convicted of an offense specified in Subsection (b) of this section [~~a felony under the Controlled Substances Act, of a felony drug offense, or of a felony under Chapter 481, Health and Safety Code,~~] if the driver's license was under suspension on the date of conviction.

SECTION 3. Subsections (a) and (b), Section 54.042, Family Code, are amended to read as follows:

(a) A juvenile court, in a disposition hearing under Section 54.04 of this code, shall:

(1) order the Department of Public Safety to suspend a child's driver's license or permit, or if the child does not have a license or permit, to deny the issuance of a license or permit to the child if the court finds that the child has engaged in conduct that violates a law [~~the laws~~] of this state enumerated in Section 24(a-1), Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes); or

(2) notify the Department of Public Safety of the adjudication, if the court finds that the child has engaged in conduct that violates a law of this state enumerated in Section 24B(b), Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes) [~~prohibiting~~;

~~[(1) driving while intoxicated under Article 67011-1, Revised Statutes; or~~

~~[(2) the use, possession, manufacture, or delivery of a controlled substance or marihuana under Chapter 481, Health and Safety Code].~~

(b) The order *under Subsection (a)(1) of this section* shall specify a period of suspension or denial that is:

(1) until the child reaches the age of 17 or for a period of 365 days, whichever is longer; or

(2) if the court finds that the child has engaged in conduct violating the laws of this state prohibiting driving while intoxicated, *by reason of the introduction of alcohol into the body*, under Article 67011-1, Revised Statutes, and also determines that the child has previously been found to have engaged in conduct violating the same laws, until the child reaches the age of 19 or for a period of 365 days, whichever is longer.

SECTION 4. Subsection (c), Section 25, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), is amended to read as follows:

(c) For the purpose of this Act, the term "conviction" shall mean a final conviction. A conviction ~~[of an offense described in Section 24(a) or (a-1) of this Act]~~ is a final conviction whether or not any portion of the sentence for the conviction was suspended or probated. Also, for the purpose of this Act, a final judgment of forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction.

SECTION 5. This Act takes effect June 15, 1993, and applies only to a person convicted of an offense committed, or adjudicated under juvenile proceedings for conduct engaged in, on or after the effective date of this Act. For purposes of this section, an offense was committed or conduct was engaged in before the effective date of this Act if any element of the offense or conduct occurred before the effective date. An offense committed or conduct engaged in before the effective date of this Act is covered by the law in effect when the offense was committed or the conduct was engaged in, and the former law is continued in effect for this purpose.

SECTION 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force according to its terms, and it is so enacted.

Passed the Senate on March 15, 1993: Yeas 30, Nays 0; the Senate concurred in House amendment on May 21, 1993: Yeas 31, Nays 0; passed the House, with amendment, on May 19, 1993: Yeas 141, Nays 0, one present not voting.

Approved June 3, 1993.

Effective June 15, 1993.