



SB 691 (Johnson), SCR 10 (Johnson), HB 1013 (White), & HCR 33 (White) **End Federal Mandate Requiring Texas to Suspend Licenses of Former Drug Offenders**

Every year, thousands of Texans who have been convicted of drug offenses struggle to rebuild their lives. That struggle is made more difficult by Section 521.372 of the Transportation Code, which was passed in response to a federal mandate requiring states to suspend the driver's license of anyone who is convicted of a drug offense – regardless of whether that offense had anything to do with driving.

This resolution and corresponding bill will allow Texas opt out of the federal mandate and repeal this law, helping to ensure that former drug offenders can get back on their feet and provide for themselves and their families.

Background

In 1991, the U.S. Congress enacted the Solomon-Lautenberg Amendment, a federal law requiring states to punish drug offenders by suspending their licenses for six months.ⁱ This law penalized states that refused to do so with a reduction in federal highway funding.

In response to the mandate, the Texas Legislature introduced Section 521.372 of the Transportation Code, which automatically suspends the license of any Texan convicted of a drug offense for at least six months. The suspension applies regardless of the nature of the offense or the judge's determination as to whether such a suspension would be appropriate. In order to lift the suspension, the person must:

- Take an approved 15-hour drug course;
- Send in a certificate of completion; and
- Notify DPS that he or she wishes to obtain a license.

Only after the person notifies DPS of this desire does the six-month waiting period to obtain a license begin. **Many people do not understand this complicated process, and therefore lose their licenses indefinitely.**

Impact

In 2017, nearly 14,000 Texans had their driver's licenses suspended under Section 521.372.ⁱⁱ Without a license, it can be nearly impossible for former offenders to find and keep gainful employment – which is essential in preventing recidivism. Section 521.372 is therefore a significant obstacle to former offenders who want to earn an honest living.

Many people convicted of drug offenses are already required to attend some form of counseling or rehabilitation as a condition of their probation. Without the ability to drive, they struggle to get to treatment and as a consequence may return to the habits which led to their initial offense.

Solution

In order for Texas to be exempt from this federal requirement without penalty, the Legislature must adopt a resolution expressing opposition to the enforcement of a law to suspend driver's licenses for any drug-related offense, and then pass a bill repealing Section 521.372. Texas will still enforce its own laws that suspend the licenses of people convicted of driving while impaired by drug use, and judges will still be able to restrict driving where appropriate as a probation condition.

This resolution and bill will help to ensure that former offenders have the freedom of movement necessary to successfully reintegrate into society, that law enforcement agencies are able to focus on significant crimes, and that judges can exercise appropriate discretion in determining what punishments to impose. **Forty-one states have already passed legislation opting-out of the federal mandate. It is time for Texas to join them.**

ⁱ 23 U.S.C. Sect; 159. Enacted as part of the 1991 Department of Transportation and Related Agencies Appropriations Act (H.R. 5229).

ⁱⁱ Email from Pamela Harden, Tex. Dep't. of Pub. Safety, to Sushma Smith, Chief of Staff, Office of Tex. Senator José Rodríguez (Aug. 31, 2018).