

SUBJECT: Suspending a driver's license for convictions of vehicular manslaughter

COMMITTEE: Transportation — favorable, without amendment

VOTE: 6 ayes — Krusee, Harper-Brown, Harless, Hill, Macias, Murphy

0 nays

3 absent — Phillips, Deshotel, Haggerty

WITNESSES: For —None

Against —None

On —Sherrie Zgabay, Texas Department of Public Safety

BACKGROUND: Transportation Code, sec. 521.341 provides for the automatic suspension of a driver's license for a person convicted of certain criminal offenses. A person's driver's license is automatically suspended if the person is convicted of:

- criminally negligent homicide while operating a vehicle;
- causing serious injury or death of another while evading arrest or detention while operating a vehicle;
- driving while intoxicated;
- causing serious bodily injury of another while operating a vehicle while intoxicated;
- intoxicated vehicular manslaughter;
- an vehicular accident causing personal injury or death; or
- owning or using a false or altered driver's license.

The period of suspension for most of these offenses is one year under sec. 521.343 of the Transportation Code. For offenses involving intoxication, the suspension period is not less than one year and not more than two years.

Under Penal Code, sec. 19.04, a person commits manslaughter by recklessly causing the death of an individual. The offense is a second

degree felony, punishable by two to 20 years in prison and an optional fine of up to \$10,000.

**DIGEST:** HB 1049 would amend the Transportation Code to require the automatic suspension of the driver's license of a license holder upon final conviction of vehicular manslaughter — manslaughter using a motor vehicle. The suspension period would be for one year.

The bill would take effect September 1, 2007, and would apply only to an offense committed on or after that date.

**SUPPORTERS SAY:** HB 1049 would bring the license suspension period for a conviction for vehicular manslaughter in line with the suspension periods for convictions for other vehicular criminal offenses. Vehicular manslaughter is similar to the offenses already included under sec. 521.341 of the Transportation Code, so it would make sense to include vehicular manslaughter in this list as well. It would be inequitable to allow someone who had been convicted of vehicular manslaughter to retain the privilege of driving when others who committed similar offenses did not retain that privilege.

The bill also would provide an additional tool for district attorneys in cases of conviction for vehicular manslaughter and sentences of probation to impress upon offenders the seriousness of the offense.

**OPPONENTS SAY:** A driver convicted of voluntary vehicular manslaughter could be incarcerated for anywhere from two to 20 years or could be on probation for 10 years. The license suspension would have an impact only when a driver was on probation. Also, the Transportation Code still would allow a driver whose license had been suspended to apply for an occupational license to drive a commercial vehicle unless the person had a conviction for an alcohol offense.

**NOTES:** The Department of Public Safety has estimated that it would be able to absorb the estimated cost, \$55,000 in service fees for additional driver license system programming changes in fiscal 2008 to implement the provisions of this bill into the agency's current appropriations.