

BILL ANALYSIS

Senate Research Center
77R1475 PEP-D

S.B. 57
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Jurisprudence
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DIGEST AND PURPOSE

In Texas, 44 percent of persons suspected of driving while intoxicated refuse to take a breath test, weakening significantly the case against them. Prosecutors believe that the Texas refusal rate is so high because suspects are not presented with choices that encourage them to take the breath test. Currently, suspects are told that if they refuse to take the test, then their license will be suspended for 90 days, and if they take the test but fail it, their license will be suspended for 60 days. Prosecutors believe that there is not enough of a difference in the suspension lengths to encourage suspects to take the test. As proposed, S.B. 57 revises the Administrative License Revocation program administered by the Department of Public Safety to lengthen the period of driver's license suspension for refusal to take a breath or blood test. Instead of 90 days, the driver's license of any person who refused a test (first offense) would be suspended for 180 days. The suspension period for all persons with prior alcohol-related convictions (repeat offenders) who refuse the test would be one year.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 724.035, Transportation Code, by requiring the Department of Public Safety (department) to suspend the license of a person, who has refused the request of a peace officer to submit to taking a specimen, for 180, rather than 90, days. Deletes text that specifies certain age and days of suspension regarding a suspended license. Provides that the suspension or denial is for one year, rather than 180 days, if the person's driving record shows one or more alcohol or drug-related enforcement contacts, as defined by Section 524.001, rather than 524.001(3)(B) or (C), during the five years preceding the date of the person's arrest. Makes conforming changes.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2001.