



## Legislative Subcommittee Notes | January 8, 2025 @ 3:00 PM

### AGENDA

1. Subcommittee Membership
  - It was suggested to add a law enforcement perspective to the subcommittee for better insights.
  - Potential candidates could include individuals already involved in relevant roles, such as those from TMPA, unions, or Houston PD).
2. Bill Tracking
  - Tier 1: Directly impacts TxIDTF
    - TxIDTF will be updated on important updates on Tier 1 bills on a more frequent basis via email
  - Tier 2: Ancillary to impaired driving
    - TxIDTF will be updated on Tier 2 bills at quarterly update meetings
  - Tier 3: All Cannabis Legislation
3. Impaired Driving / Marihuana Legislation Discussion
  - Tier 1: Priority Bills
    - **HB 750:** Relating to changing the eligibility for community supervision and parole for certain repeat intoxication offenders.
      - Eliminates probation for felony DWIs, potentially reducing DWI courts.
    - **HB 764:** Relating to increasing the minimum term of imprisonment and changing the eligibility for community supervision, mandatory supervision, and parole for persons convicted of intoxication manslaughter.
      - Minimum prison time for intoxication manslaughter rises from 2 to 5 years before parole eligibility.
    - **HB 945:** Relating to the authority of a justice of the peace to issue a search warrant to collect a blood specimen from a person arrested for certain intoxication criminal offenses.
      - Allows JPs to issue blood search warrants BUT only if the defendant refuses to a blood draw
      - Concern: Search warrants cannot be issued if the defendant is unconscious or incapable of refusal.
    - **HB 992:** Relating to the eligibility for an order of nondisclosure of criminal history record information of a criminal defendant who has successfully completed a specialty court program.

- **HB 1167:** Relating to the release on bail of certain defendants accused of committing a felony offense and the criminal consequences of committing a felony while released on bail for a prior felony; creating a criminal offense; increasing the minimum term of imprisonment for certain felonies; changing eligibility for deferred adjudication community supervision, mandatory supervision, and parole.
  - Criminal penalties for magistrates and offenses committed on bond
  - Could be deemed unconstitutional, infringing on separation of powers.
- **HB 1371:** Relating to the dissemination of criminal history record information by the Department of Public Safety concerning certain intoxication offenses.
  - Makes NCIC/TCIC info that relates to a DWI public information
  - Unfunded database
- **HB 1482:** (Same as HB750): Relating to changing the eligibility for community supervision and parole for certain repeat intoxication offenders.
- **SB 246:** Relating to the delivery and direct shipment of certain alcoholic beverages to ultimate consumers; creating criminal offenses.
  - Regulations to alcohol-delivery services
- **SB 476:** Relating to enhancing the criminal penalty for the offense of intoxication manslaughter in certain circumstances.
  - Life Without Parole if Intoxication Manslaughter committed while interlock order in place (and violated)
- **SB 518:** Relating to changing the eligibility for community supervision and parole for certain repeat intoxication offenders.
  - No probation or parole for offenders with two prior intoxication offenses.
  - Eliminates DWI Court
- **SB 552:** Relating to changing the eligibility of certain persons to receive community supervision, including deferred adjudication community supervision.
  - No probation for illegal immigrants (felonies and misdemeanors)
- Tier 2: Legislation to Watch, but Not Worry About
  - **HB 413:** Relating to the release of certain defendants detained in jail pending trial.
    - Release of pretrial hold on hitting maximum sentence
    - Most jurisdictions already doing this
  - **HB 435:** Relating to prohibiting carrying a firearm while intoxicated; creating a criminal offense.
    - References Chapter 49
  - **HB 624:** Relating to the placement on community supervision, including deferred adjudication community supervision, of a defendant who is the primary caretaker of a child.
    - Includes High BAC/Repeat offenders

- **HB 652:** Relating to prohibited uses of public money by certain municipalities and counties that reduce or reallocate funding or resources for certain law enforcement agencies.
  - Defund Police – Potential Impact on specialized units (like DWI Units)
- **HB 990:** Relating to the eligibility of certain criminal defendants for an order of nondisclosure of criminal history record information.
  - Expunction extended to SJF
  - Currently excludes Chapter 49, but that could change
- **HB 1414:** Relating to the punishment for the offense of driving while license invalid.
  - It eliminates class B misdemeanor of DWLI, making them all Class C
- **SB 219:** Relating to orders of nondisclosure of criminal history record information for certain criminal defendants.
  - Non-Disclosure DWI Deferrers
- **SB 296:** Relating to driving safety or motorcycle operator training course dismissal.
  - Driver Safety Course (DSC) and Motorcycle Course
  - DSC for multiple offenses at same time
- **SB 537:** Relating to the procedures for the expunction of arrest records and files for persons who complete certain court programs or pretrial intervention programs.
  - Expunctions on pretrial diversion
  - Issue: May violate masking statutes; Harder to track priors
- **SB 539:** Relating to a defendant's appearance by telephone or videoconference in a justice or municipal court.
  - ZOOM Court Municipal and JP
  - May improve court appearances (compliance)
- Tier 3: Cannabis Bills to Watch
  - **HB 288:** Relating to creating the criminal offense of operating a premises for unlawful controlled substance consumption.
    - Pot or Opium Lounges – second degree felony
  - **HB 848:** Relating to the criminal penalties for possession or delivery of marihuana concentrate.
  - **HB 1113:** Relating to the production and regulation of hemp; providing an administrative penalty; requiring a permit to conduct certain research involving hemp; authorizing a fee; creating a criminal offense.
  - **HB 1146:** Relating to the medical use of low-THC cannabis by patients with certain medical conditions.
    - Medical: Replacing % by weight to mg
  - **HB 1151:** Relating to neglect of a child and the grounds for termination of the parent-child relationship and possession of a child by the Department of Family and Protective Services.

- **HB 1208:** Relating to the regulation of the cultivation, manufacture, processing, distribution, sale, testing, transportation, delivery, transfer, possession, use, and taxation of cannabis and cannabis products and local regulation of cannabis establishments; authorizing the imposition of fees; requiring an occupational license; creating a criminal offense; imposing a tax.
    - Legalization Bill
  - **HB 1504:** Relating to authorizing the possession, use, cultivation, distribution, transportation, and delivery of medical cannabis for medical use by qualifying patients with certain debilitating medical conditions and the licensing of dispensing organizations and cannabis testing facilities; authorizing fees.
    - Adjustments to medical program
  - **HB 1574:** Relating to the medical use of low-THC cannabis by patients with certain medical conditions.
    - Changing percentage by weight to mg and adds chronic pain
  - **HJR 70:** Proposing a constitutional amendment to direct the legislature to authorize and regulate the possession, cultivation, and sale of cannabis for medical use.
  - **SB 170:** Relating to authorizing the possession, use, cultivation, distribution, delivery, sale, and research of medical cannabis for medical use by patients with certain medical conditions and the licensing of medical cannabis organizations; authorizing fees.
    - Research of medical cannabis
  - **SB 259:** Relating to the possession, use, cultivation, distribution, transportation, and delivery of medical cannabis for use by patients as the best available medical treatment, the licensing of medical cannabis dispensing organizations, and the registration of certain individuals; authorizing fees.
    - Adjustments to medical program
  - **SB 334:** Relating to the defense to prosecution for certain offenses involving possession of small amounts of controlled substances, marijuana, dangerous drugs, or abusable volatile chemicals, or possession of drug paraphernalia for defendants seeking assistance for a suspected overdose.
    - Good Samaritan Law
  - **SB 335:** Relating to regulating the cultivation, manufacture, processing, distribution, sale, testing, transportation, delivery, transfer, possession, and use of cannabis and cannabis products; authorizing the imposition of fees; requiring occupational licenses; creating a criminal offense.
    - Legalization Bill
4. Quarterly Report to Texas Impaired Driving Task Force: March 6, 2025
  5. Schedule Next Meeting Date(s)
    - Schedule next meeting before April Task Force Meeting

**ACTION ITEMS**

1. TxIDTF Admin:
  - a. Schedule next meeting in April (week of 7-11)
2. Subcommittee Members:
  - a. Continue tracking bills

**Subcommittee Members:**

- Clay Abbott, TDCAA
- Debra Coffey, Smart Start
- Nicole Holt, TxSDY
- Ned Minevitz, TMCEC
- Bronson Tucker, TJCTC
- Judge Laura Weiser, TCJ