



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**PRICE DANIEL
ATTORNEY GENERAL**

October 17, 1947

Hon. R. L. Whitehead,
Criminal District Attorney,
Gregg County,
Longview, Texas

Opinion No. V-408

Re: Construction of H.B.
120, 50th Leg., with
respect to authority
of a court to enter
a judgment assessing
a fine for drunken
driving but probating
the suspension of
driver's license.

Dear Sir:

You request our opinion upon the above subject matter, in connection with which you advise as follows:

"An individual is convicted of drunken driving and assessed a fine of \$75.00 and costs, can the Court under the provisions of Housebill No. 120 called the Adult Parole and Probation Law, found on Page 1050 of the Vernon's Texas Session Law Service effective September 6, 1947, enter a judgment causing the fine to be paid but probating the suspension of the driver's license as provided for in Article 6687-B, found in Sec. 24, subparagraph 19, Vernon's Texas Civil Statutes."

House Bill No. 120 of the 50th Legislature, p. 1049, commonly known as the Adult Probation and Parole Law, wherein it deals with probation and parole of one convicted of an offense, does not apply to the suspension of a driver's license as provided for in Article 6687-b of Vernon's Civil Statutes. It is concerned wholly with the infliction of the punishment imposed upon one by conviction of an offense, and has nothing to do with suspending or superseding orders of the kind mentioned by you. Under that Act it is the person placed on probation or parole. Further, the Adult Probation Law specifically deals with persons who would otherwise be imprisoned, and it is the imprisonment which is suspended. From this it follows your question should be answered in the negative.

SUMMARY

House Bill No. 120 of the 50th Legislature confers no authority on the Court upon a conviction of one for any of the offenses defined by Section 24 of Article 6687b, Vernon's Civil Statutes, to "probate" the automatic suspension of the driver's license provided for in the latter article.

Yours very truly,

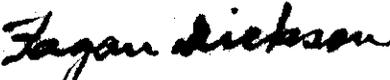
ATTORNEY GENERAL OF TEXAS

By


Ocie Speer
Assistant

OS:wb

APPROVED:


FIRST ASSISTANT
ATTORNEY GENERAL