

## BILL ANALYSIS

C.S.S.B. 398  
By: Schwertner  
Homeland Security & Public Safety  
Committee Report (Substituted)

### BACKGROUND AND PURPOSE

Interested parties assert that current law lacks clarity with regard to the types of fingerprint information the Department of Public Safety is allowed to collect from a driver's license applicant. C.S.S.B. 398 seeks to address this issue.

### CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### ANALYSIS

C.S.S.B. 398 amends the Transportation Code to require an application for an original driver's license to include the applicant's thumbprints and fingerprints and to remove the option for the application to include the applicant's index fingerprints if thumbprints cannot be taken. The bill clarifies the duty of the Department of Public Safety to authenticate thumbprints and fingerprints provided by an applicant for a personal identification certificate, driver's license, or commercial driver's license or permit using image comparison technology.

### EFFECTIVE DATE

September 1, 2015.

### COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 398 may differ from the engrossed in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

#### SENATE ENGROSSED

SECTION 1. Section 521.059(a), Transportation Code, is amended to read as follows:

(a) The department shall establish an image verification system based on the following identifiers collected by the department under

#### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Sections 521.059(a) and (b), Transportation Code, are amended to read as follows:

(a) The department shall establish an image verification system based on the following identifiers collected by the department under

84R 28965

15.128.816

Substitute Document Number: 84R 28058

Section 521.142(b):

- (1) an applicant's facial image; and
- (2) an applicant's thumbprints or, if thumbprints cannot be taken, the index fingerprints of the applicant.

No equivalent provision.

SECTION 2. This Act takes effect September 1, 2015.

Section 521.142(b):

- (1) an applicant's facial image; and
- (2) an applicant's thumbprints and [of] fingerprints.

(b) The department shall authenticate the facial image, ~~and~~ thumbprints, and [of] fingerprints provided by an applicant for a personal identification certificate, driver's license, or commercial driver's license or permit using image comparison technology to ensure that the applicant:

- (1) is issued only one original license, permit, or certificate;
- (2) does not fraudulently obtain a duplicate license, permit, or certificate; and
- (3) does not commit other fraud in connection with the application for a license, permit, or certificate.

SECTION 2. Section 521.142(b), Transportation Code, is amended to read as follows:

- (b) The application must include:
- (1) the thumbprints and [of the applicant or, if thumbprints cannot be taken, the index] fingerprints of the applicant;
  - (2) a photograph of the applicant;
  - (3) the signature of the applicant; and
  - (4) a brief description of the applicant.

SECTION 3. Same as engrossed version.