

BILL ANALYSIS

Senate Research Center

S.B. 89
By: West
Criminal Justice
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As Filed

DIGEST

Currently, the Transportation Code creates penalties for a person who sells, manufactures, distributes, or possesses documents that are deceptively similar to a driver's license or personal identification certificate issued by the Texas Department of Public Safety. Fraudulent out-of-state identification, and fraudulent identification issued by other state agencies are not included. The ability to use fraudulent out-of-state driver's licenses has created a loophole often used by minors when attempting to purchase alcohol illegally. Additionally, the use of counterfeit equipment for the purpose of manufacturing false identification documents for commercial sale to minors has become a profitable industry. The Senate Interim Committee on Juvenile Driving While Intoxicated recommended stronger penalties for commercialized license fraud as well as closing the current loophole that exists which does not prohibit persons from selling, manufacturing, distributing or possessing false out-of-state driver's licenses. S.B. 89 outlines provisions and provides penalties relating to a counterfeit driver's license, personal identification certificate, or other instrument.

PURPOSE

As proposed, S.B. 89 outlines provisions and provides penalties relating to a fictitious, forged, or counterfeit driver's license, personal identification certificate, or other instrument.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 521.453, Transportation Code, by amending Subsections (a) and (b) and adding Subsection (g), to provide that a document is deceptively similar to a driver's license or personal identification certificate if a person assumes it was issued by the Department of Public Safety (department), another agency of this state, another state, or the United States. Defines "driver's license" and "personal identification certificate." Makes a conforming change.

SECTION 2. Amends Section 521.456, Transportation Code, to provide that a person commits a third degree felony if the person prints, or possesses with intent to sell, a counterfeit instrument that the person knows is not printed by an authority authorized to do so. Provides that a person who possesses a counterfeit instrument commits a felony punishable by imprisonment in the institutional division of the Texas Department of Criminal Justice for two to five years. Renumbers existing subsections and makes nonsubstantive changes.

SECTION 3. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 4. Emergency clause.