

BILL ANALYSIS

Senate Research Center
76R11604 PEP-D

H.B. 1939
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Administration
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Engrossed

DIGEST

Current law requires a person convicted of or granted deferred adjudication for certain sexual offenses to annually register the person's address and certain other information with local authorities. There is no current system in place to ensure this registration is done. H.B. 1939 provides requirements and procedures regarding driver's licenses or personal identification certificates for persons subject to registration as a sex offender.

PURPOSE

As proposed, H.B. 1939 provides requirements and procedures regarding driver's licenses or personal identification certificates for persons subject to registration as a sex offender.

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 Chapter 42, Code of Criminal Procedure, by adding Article 42.016, as follows:

Art. 42.016. SPECIAL DRIVER'S LICENSE OR IDENTIFICATION REQUIREMENTS FOR CERTAIN SEX OFFENDERS. Requires the court, if a person is convicted of, receives a grant of deferred adjudication for, or is adjudicated as having engaged in delinquent conduct based on a violation of an offense for which a conviction or adjudication requires registration under Chapter 62 (Sex Offender Registration Program): (1) to issue an order requiring the Texas Department of Public Safety (DPS) to include in any driver's license record or personal identification certificate record maintained by DPS for the person an indication that the person is subject to registration as a sex offender; (2) require the person to apply to DPS in person for an original or renewal driver's license or personal identification certificate not later than the 30th day after the date the person is released or the date DPS sends written notice to the person of the requirements of Article 62.065, as applicable, and to annually renew the license or certificate; (3) notify the person of the consequence of the conviction or order of deferred adjudication as it relates to the order issued under this article; and (4) send to DPS a copy of the record of conviction, a copy of the order granting deferred adjudication, or a copy of the juvenile adjudication, as applicable, and a copy of the order issued under this article.

SECTION 2. Amends Article 62.03(a), Code of Criminal Procedure, to require an official of a penal institution, before a person who will be subject to registration as a sex offender is released from the penal institution, to inform the person that the person must apply to DPS in person not later than the 30th day after the date on which the person is released, for the issuance of an original or renewal driver's license or personal identification certificate and failure to apply to DPS results in the automatic revocation of any driver's license or personal identification certificate issued by DPS.

SECTION 3. Amends Chapter 62, Code of Criminal Procedure, as added by Chapter 668, Acts of the 75th Legislature, Regular Session, 1997, by adding Articles 62.065 and 62.068, as follows:

Art. 62.065. REQUIREMENTS RELATING TO DRIVER'S LICENSE OR PERSONAL IDENTIFICATION CERTIFICATE. Requires a person subject to registration as a sex offender to apply to DPS in person for the issuance of an original or renewal driver's license under Section 521.272, Transportation Code, or for a personal identification certificate under Section

521.103, Transportation Code, not later than the 30th day after the date the person is released from a penal institution or is released by a court on juvenile probation or community supervision, or DPS sends written notice to the person of the requirements of this article. Requires the person to annually renew in person each driver's license or personal identification certificate issued by DPS, including each renewal, duplicate, or corrected license or certificate, until the person's duty to register under this chapter expires. Requires DPS to determine from its records which persons required to register as a sex offender are under supervision and control of a juvenile probation office or an agency or entity operating under contract with a juvenile probation office, a community supervision and corrections department, or the pardons and paroles division of the Texas Department of Criminal Justice and requires DPS to provide written notice of the requirements of this article to each of those persons by not later than October 30, 2000. Provides that this subsection expires January 1, 2001.

Art. 62.085. INFORMATION PROVIDED TO PEACE OFFICER. Requires DPS to establish a procedure by which a peace officer or employee of a law enforcement agency who provides DPS with a driver's license, personal identification certificate, or license plate number is automatically provided information as to whether the person to whom the driver's license or personal identification certificate is issued is required to register as a sex offender or whether the license plate number is entered in the computerized central database under Article 62.08 (Central Database; Public Information) as assigned to a vehicle owned or driven by a person required to register as a sex offender.

SECTION 4. Amends Subchapter C, Chapter 521, Transportation Code, by adding Section 521.057, as follows:

Sec. 521.057. INFORMATION REGARDING CERTAIN SEX OFFENDERS. Requires DPS, on receipt of a court order issued under Article 42.016, Code of Criminal Procedure, to ensure that any driver's license record or personal identification certificate record maintained by DPS for the person includes an indication that the person is subject to registration as a sex offender. Requires DPS to include the indication required by Subsection (a) in any driver's license record or personal identification certificate record maintained by DPS for the person until the expiration of the person's duty to register as a sex offender.

SECTION 5. Amends Section 521.101, Transportation Code, by adding Subsections (h) and (i), to require DPS to automatically revoke each personal identification certificate issued by DPS to a person who is subject to registration as a sex offender and fails to apply to DPS for renewal of the personal identification certificate as required by Article 62.065, Code of Criminal Procedure. Authorizes DPS to issue a personal identification certificate to a person whose certificate is revoked under Subsection (h) only if the person applies for an original or renewal certificate under Section 521.103.

SECTION 6. Amends Subchapter E, Chapter 521, Transportation Code, by adding Section 521.103, as follows:

Sec. 521.103. EXPIRATION AND RENEWAL REQUIREMENTS FOR CERTAIN SEX OFFENDERS. Authorizes DPS to issue an original or renewal personal identification certificate to a person whose driver's license or personal identification certificate record indicates that the person is subject to registration as a sex offender only if the person applies in person for the issuance of a certificate under this section, and the person pays a \$5 fee. Provides that a personal identification certificate issued under this section expires on the first birthday of the certificate holder occurring after the date of application, except that the initial certificate issued under this section expires on the second birthday of the certificate holder occurring after the date of application.

SECTION 7. Amends Subchapter M, Chapter 521, Transportation Code, by adding Section 521.272, as follows:

Sec. 521.272. RENEWAL OF LICENSE ISSUED TO CERTAIN SEX OFFENDERS. Authorizes DPS to issue an original or renewal driver's license to a person whose driver's license or personal identification certificate record indicates that the person is subject to registration as a sex offender only if the person applies in person for the issuance of a certificate under this section, and the person pays a \$5 fee. Provides that a person is not required to provide proof of financial

responsibility to receive the person's initial driver's license under this section. Provides that a driver's license issued under this section expires on the first birthday of the license holder occurring after the date of application, except that the initial license issued under this section expires on the second birthday of the certificate holder occurring after the date of application.

SECTION 8. Amends Section 521.274(b), Transportation Code, to make conforming changes.

SECTION 9. Amends Subchapter O, Chapter 521, Transportation Code, by adding Section 521.348, as follows:

Sec. 521.348. AUTOMATIC REVOCATION FOR CERTAIN SEX OFFENDERS. Provides that a driver's license is automatically revoked if the holder of the license is subject to registration as a sex offender and fails to apply to DPS for renewal of the license as required by Article 62.065, Code of Criminal Procedure. Authorizes DPS to issue a driver's license to a person whose license is revoked under this section only if the person applies for an original or renewal licensed under Section 521.272 and is otherwise qualified for the license.

SECTION 10. Makes application of this Act prospective.

SECTION 11. Effective date: September 1, 2000.

SECTION 12. Emergency clause.