

BILL ANALYSIS

Senate Research Center

C.S.S.B. 89
By: West
Criminal Justice
4-8-97
Committee Report (Substituted)

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

PURPOSE

As proposed, C.S.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), (b), and (d) and adding Subsection (g), to provide that a person under the age of 21 years of age commits an offense if the person possesses with the intent to represent the person is 21 years of age or older, rather than sell, manufacture, or distribute, a document that is deceptively similar to a driver's license or personal identification certificate, rather than a driver's license or a personal identification certificate issued by the Department of Public Safety (department) unless the document displays a certain statement. Provides that for purposes of this section, a document is deceptively similar to a driver's license or personal identification certificate if a reasonable person assumes it was issued by the department, another agency of this state, another state, or the United States. Provides that for purposes under this section, an offense under Subsection (a) is a Class C misdemeanor. Deletes text providing an exception under which an offense under Subsection (a) is a Class C misdemeanor. Defines "driver's license" and "personal identification certificate." Makes a conforming change.

SECTION 2. Amends Section 521.456, Transportation Code, as follows:

Sec. 521.456. DELIVERY OR MANUFACTURE OF COUNTERFEIT INSTRUMENT. Provides that a person commits an offense if the person possesses with the intent to sell, distribute or deliver a forged or counterfeit instrument that is not printed, manufactured, or made by or under the direction of, or issued, sold, or circulated by or under the direction of a person, board, agency, or authority authorized to do so under this chapter or under the laws of the United States, another state, or a Canadian province. Provides that an offense under this subsection is a Class A misdemeanor. Provides that a person commits an offense if the person manufactures or produces with the intent to sell, distribute or deliver, rather than

prints, engraves, copies, photographs, makes, issues, sells, circulates or passes, a counterfeit instrument that the person knows is not printed by an authority authorized to do so. Provides that an offense under this subsection is a third degree felony. Deletes text regarding an offense under this section. Renumbers existing subsections.

SECTION 3. Amends Section 37.01, Penal Code, to redefine "governmental record."

SECTION 4. Amends Section 37.10, Penal Code, by amending Subsection (d), to make a conforming change.

SECTION 5. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 6. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 521.453, Transportation Code, by amending Subsections (a), (b), and (d), and adding Subsection (g), regarding a document deceptively similar to a counterfeit driver's license or personal identification certificate.

SECTION 2.

Amends Section 521.456, Transportation Code, to redefine the heading and amend text regarding delivery or manufacture of a counterfeit instrument. Deletes existing Subsections (c), (d), and (e), regarding an offense under this section.

SECTION 3.

Amends Section 37.01, Penal Code, to redefine "governmental record."

SECTION 4.

Amends Section 37.10, Penal Code, to make a conforming change.