

SUBJECT: Community service option for minors for first offenses involving fake IDs

COMMITTEE: Juvenile Justice and Family Issues — committee substitute recommended

VOTE: 6 ayes — Goodman, Staples, Naishtat, A. Reyna, Smith, Williams

0 nays

3 absent — J. Jones, McClendon, McReynolds

WITNESSES: For — Michael O'Neal, Texas Municipal Courts Association

Against — None

On — James D. Bethke

BACKGROUND : The Transportation Code makes it a crime for a person to sell, manufacture, distribute or possess a document that is deceptively similar to a driver's license or a personal identification certificate issued by the Department of Public Safety (DPS) unless the document displays the statement "NOT A GOVERNMENT DOCUMENT" diagonally printed clearly and indelibly on both the front and back of the document in solid red letters at least one-fourth inch in height. A document is "deceptively similar" to a driver's license or personal identification certificate if a reasonable person would assume that it was issued by the DPS. A first offense of this type is a Class C misdemeanor, punishable by a maximum fine of \$500.

DIGEST: CSHB 677 would amend the Transportation Code to authorize a court to order a person under 21 years of age who has committed a first offense of selling, manufacturing, distributing or possessing a document that is deceptively similar to a driver's license or a personal identification card to perform eight hours of community service. This would only apply if the court is located in a municipality or county that has established a community service program. The community service would be in addition to other punishments already available.

If a person ordered to perform community service was under 17 years of age, the community service would have to be performed as if it were ordered

by a juvenile court under the community service provisions of the Juvenile Justice Code. The bill would also amend the Juvenile Justice Code community service provision to authorize a judge who finds that a child has violated the Transportation Code provision to order that child to perform eight hours of community service as a condition of probation.

The bill would take effect September 1, 1997, and would apply only to offenses committed or, in juvenile cases, to conduct that occurs on or after the effective date.

**SUPPORTERS
SAY:**

CSHB 677 would give judges an additional tool to deal with persons under 21 years of age who sell, manufacture, distribute or possess fake driver's licenses or IDs. Currently, most violators receive only a fine or probation. Community service would require more personal involvement by violators and would cause them to take their violations more seriously.

The bill would apply to persons up to the age of 21 rather than just juveniles, and would address the serious problem of persons in that age group using fake IDs to purchase alcohol or gain entrance into drinking establishments.

CSHB 677 would allow judges to order community service in those cases where it would be useful, but would not require them to order it in those cases where there are extenuating circumstances or where it is otherwise inappropriate.

For those cases where judges decide to order community service, the bill would standardize the punishment across Texas by setting the amount at eight hours. Eight hours is a proper amount of community service because it requires a significant investment of time on the part of the violator, but it would not unduly burden violators or the community service program.

**OPPONENTS
SAY:**

If judges should have the discretion to decide when community service should be ordered, they should also have the discretion to decide how much community service should be ordered rather than being limited to an arbitrary period of eight hours, no more or less.

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NOTES: The committee substitute made the provisions of the bill permissive rather than mandatory and extended the application of the bill to persons under age 21.