

SUBJECT: New offenses involving forged identification

COMMITTEE: Juvenile Justice and Family Issues — favorable, with amendment

VOTE: 6 ayes — Goodman, Staples, McReynolds, A. Reyna, Smith, Williams
0 nays
3 absent — J. Jones, McClendon, Naishtat

SENATE VOTE: On final passage, April 15 — voice vote

WITNESSES: For — Ann Streetman, Texas Safety Association Inc.
Against — None

BACKGROUND : The Transportation Code makes it a Class C misdemeanor, punishable by a maximum \$500 fine, for a person to sell, manufacture, distribute or possess a document that is deceptively similar to a driver's license or a personal identification certificated issued by the Department of Public Safety unless the document displays an obvious caveat. Possession of a forged or counterfeit instrument not made by an authorized government agency, board or authority with intent to use, sell, circulate or pass is a felony punishable by two to five years in prison.

DIGEST: SB 89, as amended, would establish new offenses involving fake identification:

- A minor possessing a document deceptively similar to a driver's license with intent to represent the person as 21 or older would commit a Class C misdemeanor, punishable by a maximum penalty of a \$500 fine.
- Persons possessing a forged or counterfeit instrument not made or issued by an authorized agency or authority with intent to sell, distribute or deliver would commit a Class A misdemeanor, punishable by a maximum penalty of one year in jail and a \$4,000 fine.

- Persons manufacturing or producing with intent to sell, distribute or deliver a forged instrument that they knew was not made by an authorized agency, board or authority would commit a third degree felony, punishable by two to 10 years in prison and an optional fine of up to \$10,000.

SB 89 would include driver's licenses issued by another state or the United States in the definition of driver's license for the offenses of possessing, selling, distributing, manufacturing or producing false identification certificates. The bill also would stipulate that the existing offense of possessing a forged or counterfeit document with intent to use, circulate, or pass would be a Class C misdemeanor. The bill would delete "sell" from the prohibited acts covered by that offense.

The bill would take effect September 1, 1997.

**SUPPORTERS
SAY:**

SB 89 would close a loophole in the law that allows persons to sell, manufacture or possess false driver's licenses purportedly from other states. Texas Alcoholic Beverage Commission agents have noted that the illegal manufacture of false IDs, in particular with out-of-state markings, is a major problem in Texas.

Making possession of a fake ID a Class C misdemeanor for minors would help keep youngsters from using this documents to purchase alcohol. Confiscation of false IDs is no deterrent; minors simply go out and buy another one.

SB 89 would also provide a strong deterrent to the manufacturing of false IDs for sale to minors. This black market industry has become a profitable venture. Testimony from law enforcement officers clearly supports more stringent penalties for commercialized license fraud activity.

**OPPONENTS
SAY:**

The punishment for manufacturing or producing with intent to sell or distribute forged instruments would be inappropriately harsh. The designation of a third degree felony offense should be reserved for violent offenders. A state jail felony offense intended for nonviolent property crimes such as this one would be a more appropriate punishment.

NOTES:

The committee amendment would designate the offense of persons possessing with intent to use, circulate or pass an unauthorized counterfeit or forged instrument as a Class C misdemeanor and delete selling from this offense.

A related bill, HB 677 by Solomons, authorizing community service for persons under 21 caught possessing, selling or distributing documents deceptively similar to driver's license, passed the House on April 10 and was referred to the Senate Criminal Justice Committee.