

SUBJECT: Driver's license indicator for sex offenders

COMMITTEE: Criminal Jurisprudence — committee substitute recommended

VOTE: 7 ayes — Hinojosa, Dunnam, Green, Keel, Smith, Talton, Wise
0 nays
2 absent — Garcia, Nixon

WITNESSES: None

DIGEST: Under CSHB 1939, if an adult or juvenile were convicted of or given deferred adjudication for an offense that required the person to register under the state's sex-offender registration law, the court would have to order the Department of Public Safety (DPS) to include on that person's driver's license or personal identification certificate a notation that the person was subject to the law's registration requirements.

The court also would have to require the person to apply to DPS in person for an original or renewal driver's license or personal identification certificate within 30 days of being released from custody or within 30 days of receiving notice of their duty to register. The court also would have to notify the defendant of these duties and to send DPS a copy of the conviction or deferred adjudication order.

All sex offenders subject to the registration law would have to apply to DPS in person for the issuance of an original or renewal driver's license or a personal identification certificate within 30 days of being released from a penal institution, being placed on juvenile or adult probation, or receiving notice from DPS of the requirement. Failure to meet this requirement would result in automatic revocation of a driver's license or personal identification certificate.

These persons would have to renew annually in person each driver's license or identification certificate issued to the person until their duty to register under the sex-offender registration law had expired.

DPS could issue original or renewal identification certificates or driver's licenses to persons whose certificates or licenses indicated that they were subject to the sex-offender registration law only if these offenders applied in person and paid a \$5 fee. Identification certificates would be good for one year, expiring on the person's birthday.

DPS automatically would have to revoke driver's licenses and identification certificates of persons who were subject to registration requirements and who failed to apply for a renewal license or certificate as required.

DPS would have to determine from its records of those required to register under the sex-offender registration law who was on probation or parole and would have to notify them in writing of CSHB 1939's requirements.

DPS would have to establish a procedure so that peace officers or employees of law enforcement agencies who gave DPS a driver's license number, identification number, or license plate number automatically would receive information about whether the person was required to register as a sex offender or whether the license plate was assigned to a vehicle owned or driven by someone required to register as a sex offender.

Offenders released from prison would have to be notified by the Texas Department of Criminal Justice of their duty to apply in person for the driver's license or identification certificate and that failure to do so would result in the automatic revocation of their license or certificate.

CSHB 1939 would take effect September 1, 1999, and would apply to persons in a penal institution, on juvenile or adult probation, or adult parole on or after that date.

**SUPPORTERS
SAY:**

CSHB 1939 would help law enforcement authorities keep closer tabs on sex offenders subject to the sex-offender registration law. Because sex offenders tend to be repeat offenders who victimize the most vulnerable in society, the state should take all reasonable steps to monitor them when they are in the free world. For example, telling law enforcement authorities who checked a driver's records that the person was a sex offender would allow an officer who stopped a sex offender to see if the offender was meeting registration requirements. In addition, the information could tip off law enforcement officers who stopped a sex offender with a child to investigate the situation

fully and would allow officers who saw a car parked near a school yard to check whether it was registered to a sex offender.

CSHB 1939 would not subject sex offenders to harassment by law enforcement authorities or others, since indication of their status as a sex offender would be known only if they were renewing their licenses or were already stopped for some other reason by law enforcement authorities and the authorities checked their records.

Implementation of CSHB 1939 should not present a problem since DPS often has to link records. Driver's license information also contains addresses, so persons with similar names should not be mixed up, and any mistake would be rectified easily. Letters would be mailed before a license was revoked so that any mistake in identity could be corrected. Money spent to help protect society from dangerous, repeat sex offenders would be well spent.

OPPONENTS
SAY:

CSHB 1939 would be unfair to sex offenders who are already subject to strict registration requirements. Imposing special driver's license conditions on them would have no reasonable link to their offense and could subject them to harassment and stigma by law enforcement authorities. The Legislature should not continue to craft a specific set of laws for a certain type of criminal offender.

The fiscal note estimates that CSHB 1939 would cost the state \$886,000 in general revenue in fiscal 2000 and almost \$200,000 each year after that. This money would not be well spent because there would be no appreciable increase in public safety.

CSHB 1939 could be difficult for DPS to implement. The agency would have to reprogram its computers to handle one-year license renewals and \$5 payments. In addition, crime records and driver's license records would have to be cross-referenced. In general, driver's license records are not as specific as crime records, which are kept by fingerprints. This could result in some licenses being mistakenly revoked if two persons had the same name. Using license plate numbers to alert law enforcement officers that a person was a sex offender also could lead to cases of persons being mistaken for sex offenders if they were driving a car registered to a sex offender.