

- SUBJECT:** Identifying registered sex offenders on certain identification documents.
- COMMITTEE:** State Affairs — committee substitute recommended
- VOTE:** 7 ayes — Swinford, Paxton, Christian, Cook, Flynn, Parker, Veasey  
0 nays  
2 absent — Van Arsdale, Farrar
- WITNESSES:** For — (*Registered, but did not testify:* MerryLynn Gerstenschlager, Texas Eagle Forum; Wendy Wilson, Texas Apartment Association)  
  
Against — Richard Calderon; Ruth Epstein, ACLU of Texas; Sam Caldwell; Beverly Elam  
  
On — Kim Smith, Department of Public Safety – Driver License Division
- BACKGROUND:** Under Transportation Code, secs. 521.103, 521.272, and 522.033, the Texas Department of Transportation (TxDOT) may issue a personal identification certificate, a driver’s license, and commercial driver’s license or learner’s permit to a registered sex offender only if the person applies in person for the issuance of one of these documents and pays any required fees. In addition, these documents expire at a faster rate than normal, with the effect that the registered sex offender must register with TxDOT more often.
- DIGEST:** CSHB 2656 would amend Transportation Code, secs. 521.272, 521.103, and 522.033 to require TxDOT to issue special driver’s licenses, identification certificates, and commercial driver’s licenses and learner’s permits to registered sex offenders. TxDOT would be required to print “RSO” in black on the face of each card issued to or renewed by a person required to register as a sex offender as a result of a reportable conviction or adjudication based on an offense or conduct involving a victim who was younger than 14 years of age at the time. This requirement would continue until the 20th anniversary of the date the person first was required to register as a sex offender.  
  
TxDOT would be required to post information on its web site explaining that the appearance of “RSO” on the front of a driver’s license or

identification certificate marked the holder as a registered sex offender whose crime involved a victim younger than age 14.

TxDOT would be allowed to collect an additional fee to issue the special licenses, permits, and certificates.

The bill would take effect on September 1, 2007, and would apply only to a license, permit, or certificate issued or renewed on or after that date.

**SUPPORTERS  
SAY:**

CSHB 2656 would help law enforcement keep closer tabs on some of the most serious sex offenders — those who victimize children younger than age 14. Because sex offenders tend to be repeat offenders, the state should take all reasonable steps to monitor them when they are out in free society. For example, a driver's license with the label "RSO" would tip off an officer as to the person's status as a sex offender and would allow the officer to check to ensure that the offender was meeting registration and other requirements of the offender's status. In addition, the information could alert a law enforcement officer who stopped a sex offender with a child to investigate the situation more fully and allow an officer who saw a suspicious car near an area where children congregate to check whether the person inside was a registered sex offender.

Any inconvenience to registered sex offenders would be outweighed by the contribution to public safety. Additionally, sex offenders already are required to register their status, and communities already have wide access to notification of their presence. Society can regulate sex offenders only if it can track them, and CSHB 2656 would advance this goal. Additionally, CSHB 2656 would not be a punishment or penalty. It would fall under the category of collateral consequences, which have been ruled constitutional by the U.S. Supreme Court.

Implementation of CSHB 2656 should not present a problem because the Department of Public Safety often must link records. Driver's license information also contains addresses, so the identities of persons with similar names should not be confused, and any mistake could be rectified easily. State funds and fees spent to help protect society from dangerous sex offenders would be well spent.

**OPPONENTS  
SAY:**

CSHB 2656 would be grossly unfair to sex offenders who already are subject to strict registration requirements. Imposing special driver's licenses is akin to requiring them to wear a "scarlet letter." The

requirement would have no reasonable link to the offense and could subject them to harassment and stigma by law enforcement authorities, businesses, landlords, and employers. The Legislature should not continue to craft a specific set of laws for a certain type of criminal offender. In addition, the state should not collect yet another fee from people who have served their debts to society. Many offenders already carry heavy financial burdens from fines and court costs. CSHB 2656 only would add to this burden and make it harder for sex offenders to reintegrate into society.

CSHB 2656 could be difficult to implement and could result in the mistaken identification of some people as sex offenders. 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 labeled if two persons had the same name. A person might not know they were improperly issued a license that labeled them as a sex offender because they did not understand what "RSO" meant.