

SUBJECT: Allowing schools and youth programs to scan driver's license information

COMMITTEE: Law Enforcement — favorable, without amendment

VOTE: 6 ayes — Driver, Latham, Allen, Frost, Ortiz, West

0 nays

1 absent — Vo

SENATE VOTE: On final passage, April 12— 31- 0, on Local and Uncontested Calendar

WITNESSES: No public hearing

BACKGROUND: Transportation Code, sec. 521.126 limits the information contained electronically on the magnetic strip of a driver's license to information printed on the front of the license and a physical description of the licensee. This section also prohibits the transmission and misuse of driver's license information.

Driver's license information is misused if the information is accessed or used from the magnetic strip or compiled or maintained in an electronic database. This prohibition does not apply generally to compiling data for a law enforcement or governmental purpose and specifically to Department of Public Safety personnel, Parks and Wildlife licensing deputies, persons enforcing the alcohol or tobacco laws, such as by checking a person's age, or persons establishing the identity of a voter. In addition, a financial institution may compile a database of driver's license information with the consent of the licensees, and the executive in charge of a maritime facility may authorize the compilation of a database of driver's license information for specified port security purposes.

An offense for the misuse of driver's license information is a class A misdemeanor, punishable by up to one year in jail and/or a maximum fine of \$4,000.

DIGEST: SB 955 would amend Transportation Code, sec. 521.126 (d) to allow school or non-profit youth program human resource departments or others

responsible for screening applicants for jobs with access to children to scan the information on the magnetic strips on driver's licenses.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2007.

**SUPPORTERS
SAY:**

SB 955 would help protect the safety of Texas children. Schools and non-profit youth programs need access to reliable information before hiring someone who would have access to children. The dangers to children from sexual predators or others who could harm them outweigh abstract concerns about the privacy of these offenders.

Human resource officers and other hiring officials would continue to do due diligence in checking the background of applicants in standard ways, but SB 955 would give them additional tools to check the veracity of information provided by the job seeker. The Department of Public Safety has a superb record in maintaining the integrity of driver's license records and other sensitive databases.

The Transportation Code punishes misappropriation of driver's license information with a hefty fine and possible jail time. A number of entities in current law are authorized to collect driver's license information electronically for important purposes, such as protecting public safety and ensuring the security of financial transactions. This privilege should be extended to schools and non-profit youth programs.

**OPPONENTS
SAY:**

SB 955 would continue a trend of compromising the security of information contained on the magnetic strips of driver's licenses without necessarily providing material benefits to Texans. Law enforcement agencies and financial institutions have a legitimate need to retrieve and use that data, but the Legislature, including with several bills this session, continues to chip away at the initial restrictions on use of that data.

All databases contain wrong information and have the potential to be corrupted and misused. A person with a similar name as a registered sex offender or someone convicted of a crime against children might be unfairly denied a job because of errors in reading a magnetic strip or errors in a database.