

BILL ANALYSIS

Senate Research Center

C.S.H.B. 677
By: Solomons (Haywood)
Criminal Justice
5-18-97
Committee Report (Substituted)

DIGEST

Currently, 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 on both the front and back of the document in solid red letters of a certain 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 DPS, and a first offense of this type is a Class C misdemeanor, punishable by a maximum fine of \$500. C.S.H.B. 677 would allow courts to require community service for the punishment of such an offense.

PURPOSE

As proposed, C.S.H.B. 677 establishes the punishment for certain persons who sell, manufacture, distribute, or possess a document that is deceptively similar to a driver's license.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 521.453, Transportation Code, by adding Subsections (h) and (i), to set forth the terms by which a court is authorized to order a person younger than 21 years of age who commits an offense under this section to perform eight hours of community service, unless the person is shown to have previously committed an offense under this section, in which case the court may order the person to perform 12 hours of community service. Requires the community service to be performed as if ordered by a juvenile court under Section 54.044(a), Family Code, as a condition of probation under Section 54.04(d), Family Code, if the person is younger than 17 years of age.

SECTION 2. Amends Section 54.044, Family Code, by adding Subsection (i), to set forth the terms by which the court is authorized, in a disposition hearing under Section 54.04 in which the court finds that a child engaged in conduct violating Section 521.453, Transportation Code, to order the child to perform eight hours of community service as a condition of probation under Section 54.04(d), unless the child is shown to have previously engaged in conduct violating Section 521.453, Transportation Code, in which case the court may order the child to perform 12 hours of community service.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 1997.

SECTION 5. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 521.453(h), Transportation Code, to authorize a court to order community service if the court is located in a municipality or county that has established a community service program. Authorizes a court to order a person to perform 12 hours of community service if the person is shown to have previously committed an offense under this section.

SECTION 2.

Amends Section 54.044(i), Family Code, to authorize a court to order a child to perform community service if the court is located in a municipality or county that has established a community service program. Authorizes a court to order a child to perform 12 hours of community service if the child is shown to have previously engaged in conduct violating Section 521.453, Transportation Code.