

BILL ANALYSIS

Senate Research Center

S.B. 1757
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The use of the license plate flipper device was brought to the attention of the Bexar County District Attorney's Office by the Department of Public Safety of the State of Texas. A license plate flipper is a device designed to allow an individual to rotate or flip between two license plates within a matter of seconds. The device works by push of a button or pull of a cord. Such devices can be home-made. More sophisticatedly manufactured devices can be purchased online.

While it is currently illegal under Texas law to have false or obscured license plates showing on a vehicle, it is not illegal to have a license plate flipper device on a vehicle with false license plates not showing. This is a problem because it takes a driver less than one second to flip a license plate to a plate not registered to that specific vehicle or vice versa. There is concern that license plate flipper devices allow a criminal to hinder the ability of law enforcement or an average citizen to identify the vehicle.

S.B. 1757 creates an offense punishable by Class B misdemeanor for possession of a license plate flipper device. It creates an offense punishable by Class A misdemeanor for distribution, manufacture, selling, or furnishing a license plate flipper. And finally, if a license plate flipper is used to avoid detecting before, during, or after commission of a crime, the offense becomes punishable by one category higher than the most serious offense committed.

As proposed, S.B. 1757 amends current law relating to the definition of license plate flipper and providing a penalty.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 504, Transportation Code, by adding Section 504.946, as follows:

Section 504.496. LICENSE PLATE FLIPPER. (a) Defines "license plate flipper."

(b) Provides that a person commits an offense if the person possesses a license plate flipper as defined in Subsection (a).

(c) Provides that an offense under Subsection (b) is a Class B misdemeanor, except that:

(1) an offense is a Class A misdemeanor if the person distributes, manufactures, sells, or otherwise furnishes a license plate flipper to another;

(2) if the person uses a license plate flipper before, during, or after the commission of an offense to avoid identification or detection for the

offense for which the license plate flipper was used, the offense is one category higher than the most serious offense that was committed, and if the most serious offense is a Class A misdemeanor, the offense is a state jail felony, except that if the most serious offense is a felony of the first degree, the offense is a felony of the first degree.

SECTION 2. Effective date: September 1, 2013.