

By: Hernandez

H.B. No. 1684

A BILL TO BE ENTITLED

AN ACT

relating to the form of a driver's license or personal identification certificate issued to persons convicted of certain human trafficking offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 42, Code of Criminal Procedure, is amended by adding Article 42.0161 to read as follows:

Art. 42.0161. DRIVER'S LICENSE OR IDENTIFICATION REQUIREMENTS FOR CERTAIN HUMAN TRAFFICKING OFFENSES. If a person is convicted of an offense under Chapter 20A, Penal Code, the court shall:

(1) require the person to surrender to the court any driver's license or personal identification certificate issued by the Texas Department of Public Safety that the person holds;

(2) issue an order requiring the Texas Department of Public Safety to include in any driver's license record or personal identification certificate record maintained by the department for the person an indication that the person has been convicted of an offense under Chapter 20A, Penal Code;

(3) notify the person of the consequences of the conviction as it relates to the order issued under this article; and

(4) send to the Department of Public Safety:

(A) a copy of the record of conviction and a copy of the order issued under this article; and

1 (B) if surrendered to the court, the person's
2 driver's license or personal identification certificate.

3 SECTION 2. Subchapter C, Chapter 521, Transportation Code,
4 is amended by adding Section 521.0571 to read as follows:

5 Sec. 521.0571. INFORMATION REGARDING CERTAIN HUMAN
6 TRAFFICKING OFFENSES; FORM OF LICENSE OR CERTIFICATE. (a) On
7 receipt of a court order issued under Article 42.0161, Code of
8 Criminal Procedure, the department shall ensure that any driver's
9 license record or personal identification certificate record
10 maintained by the department for the person includes an indication
11 that the person has been convicted of an offense under Chapter 20A,
12 Penal Code.

13 (b) If the person applies for the issuance or renewal of a
14 new or duplicate driver's license or personal identification
15 certificate or for the reinstatement of a license, as applicable,
16 the department may not issue to the person a driver's license or
17 certificate unless the license or certificate includes a
18 distinctive symbol or marking on the face of the license or
19 certificate indicating that the person has been convicted of an
20 offense under Chapter 20A, Penal Code. The department by rule shall
21 specify the symbol or marking required by this subsection.

22 (c) The distinctive symbol or marking required by
23 Subsection (b) is in addition to any other information on the
24 person's driver's license or personal identification certificate
25 required by this chapter or the department.

26 (d) A person may apply to the department for a driver's
27 license or personal identification certificate that does not

1 include the distinctive symbol or marking described by Subsection
2 (b) if the person provides evidence to the department that:

3 (1) an order of expunction under Chapter 55, Code of
4 Criminal Procedure, has been issued with respect to the offense
5 under Chapter 20A, Penal Code;

6 (2) the person has been pardoned for the offense under
7 Chapter 20A, Penal Code, under the authority of a state or federal
8 official; or

9 (3) the conviction for the offense under Chapter 20A,
10 Penal Code, was otherwise vacated, set aside, annulled,
11 invalidated, voided, or sealed under any state or federal law.

12 (e) If a person provides the evidence described by
13 Subsection (d), the department shall:

14 (1) issue a driver's license or personal
15 identification certificate that does not include the distinctive
16 symbol or marking described by Subsection (b); and

17 (2) remove the indication required by Subsection (a)
18 in any driver's license record or personal identification
19 certificate record maintained by the department for the person.

20 SECTION 3. The changes in law made by this Act apply only to
21 an offense committed on or after the effective date of this Act. An
22 offense committed before the effective date of this Act is governed
23 by the law in effect on the date the offense was committed, and the
24 former law is continued in effect for that purpose. For purposes of
25 this section, an offense was committed before the effective date of
26 this Act if any element of the offense occurred before that date.

27 SECTION 4. This Act takes effect September 1, 2023.