

By: Barrientos

S.B. No. 475

A BILL TO BE ENTITLED

AN ACT

relating to certain consequences for a conviction of the offense of fraudulent use or possession of identifying information.

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

SECTION 1. Section 5, Article 42.22, Code of Criminal Procedure, is amended to read as follows:

Sec. 5. DISCRETIONARY AND MANDATORY FILING OF AFFIDAVIT PERFECTING LIEN [~~PERSONS WHO MAY FILE~~]. (a) The following persons may file an affidavit to perfect a restitution lien:

(1) the attorney representing the state in a criminal case in which a victim is determined by the court to be entitled to restitution or in which a defendant is ordered to pay fines or costs; or

(2) a victim in a criminal case determined by the court to be entitled to restitution.

(b) An attorney representing the state in the prosecution of an offense under Section 32.51, Penal Code, shall file an affidavit to perfect a restitution lien if the defendant is convicted of the offense and the judge orders the defendant to make restitution to the victim of the offense.

SECTION 2. Section 32.51, Penal Code, is amended by adding Subsections (f) and (g) to read as follows:

(f) If a judge orders a defendant convicted of an offense under this section to make restitution to the victim of the offense,

1 the judge shall also enter an order:

2 (1) requiring the Department of Public Safety to
3 suspend the driver's license of the defendant or, if the defendant
4 does not have a license, prohibiting that department from issuing a
5 license to the defendant; and

6 (2) prohibiting the Texas Department of
7 Transportation from issuing to the defendant a:

8 (A) motor vehicle certificate of title under
9 Chapter 501, Transportation Code; and

10 (B) motor vehicle registration under Chapter
11 502, Transportation Code.

12 (g) An order entered under Subsection (f) expires on the
13 date that a defendant presents proof to the judge that the defendant
14 has made full restitution to the victim of the offense. On receipt
15 of proof under this subsection, the judge shall immediately notify
16 the Department of Public Safety and the Texas Department of
17 Transportation that the order has expired, and those departments
18 shall immediately end the suspension or prohibition, as applicable,
19 except that a defendant whose license has been suspended as
20 required by Subsection (f) must apply to the Department of Public
21 Safety for reinstatement of the license and pay a reinstatement fee
22 of \$50.

23 SECTION 3. (a) This Act takes effect September 1, 2003.

24 (b) The change in law made by this Act applies only to an
25 offense committed on or after September 1, 2003. An offense
26 committed before September 1, 2003, is covered by the law in effect
27 when the offense was committed, and the former law is continued in

1 effect for that purpose. For the purposes of this subsection, an
2 offense was committed before September 1, 2003, if any element of
3 the offense occurred before that date.