

## **BILL ANALYSIS**

Senate Research Center

H.B. 699  
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Criminal Justice  
4/5/2005  
Engrossed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Under current law, a person who uses another person's driver's license or personal identification certificate to commit fraud may be charged with a Class B misdemeanor under the Transportation Code or a Class A misdemeanor under the Penal Code. This prevents uniformity of prosecution and punishment.

H.B. 699 establishes both offenses as Class A misdemeanors. H.B. 699 also maintains the current law whereby a person under the age of 21, who displays a fictitious driver's license or identification certificate for the purposes of representing himself or herself as over 21 years of age, is guilty of a Class C misdemeanor but specifies that the person cannot be charged with the higher Class A offenses.

### **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 Section 521.451, Transportation Code, by amending Subsection (b) and adding Subsection (c), to provide that an offense under this section is a Class A, rather than Class B, misdemeanor and provide that the actor, if conduct that constitutes an offense under Subsection (a) also constitutes an offense under Section 106.07 (Misrepresentation of Age by a Minor), Alcoholic Beverage Code, may be prosecuted only under Section 106.07, Alcoholic Beverage Code.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2005.