

## **BILL ANALYSIS**

H.B. 1377  
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Homeland Security & Public Safety  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Drivers at traffic stops often fail to present proper identification, such as a driver's license, to the law enforcement officer and then claim to be the owner of the vehicle. After the driver provides a name and address or other car registration information, an officer may reasonably believe that the driver is the owner of the car and a traffic citation may be issued. This can result in a claim of false identity when the traffic citation is being adjudicated in court. H.B. 1377 seeks to address the problem of false identity claims in traffic courts by allowing an officer to take one digital or ink fingerprint from each hand when a driver does not present proper identification and placing restrictions on the retention of such fingerprints.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 1377 amends the Code of Criminal Procedure to authorize a peace officer who makes a motor vehicle stop to request and to obtain, for purposes of accurately determining the identity of the person operating the motor vehicle, one digital fingerprint from each hand of the person if the person fails to provide to the officer during the stop a driver's license or commercial driver's license issued to the person by the Department of Public Safety or by another state, a United States passport issued to the person, or any other form of photographic identification issued to the person by a governmental entity.

H.B. 1377 authorizes the peace officer under those circumstances to request and to obtain one ink fingerprint from each hand of the person in addition to or instead of the digital fingerprints if the officer issues a citation to the person for any offense as part of the motor vehicle stop. The bill requires an ink fingerprint to be placed on an area of the citation that can be detached from the citation without damaging or altering any information on the citation. The bill requires the person operating the motor vehicle to provide the person's fingerprints on such a request for digital or ink fingerprints made by a peace officer.

H.B. 1377 authorizes the peace officer and the applicable law enforcement agency to retain a digital or ink fingerprint beyond the duration of the motor vehicle stop only if the person operating the motor vehicle is cited or arrested for an offense during or as a result of the stop. The bill requires a digital or ink fingerprint taken under the bill's provisions to be discarded not later than the 30th day after the date the custodian of the fingerprint receives proof from any source that each criminal charge relating to the person's citation or arrest has been resolved as follows: the charge was dismissed with prejudice against the state, the person was acquitted of the charge, or the person was convicted of an offense punishable by fine only or the charge based on such an offense was dismissed for any reason.

H.B. 1377 requires a court, based on available information regarding the retention of a

fingerprint by a peace officer or applicable law enforcement agency, to make a good faith effort to notify each custodian of the defendant's fingerprints as soon as practicable after the occurrence of any disposition of the defendant's case by the court that would result in each criminal charge relating to the person's citation or arrest being resolved in the manner described by the bill's provisions. The bill specifies that its provisions do not prevent a peace officer from obtaining fingerprints through a person's voluntary compliance with the peace officer's request for fingerprints or through any other lawful means. The bill defines "citation" and "motor vehicle stop."

**EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.