

1-1 By: Phillips (Senate Sponsor - Williams) H.B. No. 2256
1-2 (In the Senate - Received from the House May 4, 2011;
1-3 May 5, 2011, read first time and referred to Committee on
1-4 Transportation and Homeland Security; May 20, 2011, reported
1-5 favorably by the following vote: Yeas 9, Nays 0; May 20, 2011, sent
1-6 to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to abating or deferring the suspension or revocation of a
1-10 license issued by the Department of Public Safety for victims of
1-11 identity theft.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter A, Chapter 411, Government Code, is
1-14 amended by adding Section 411.0206 to read as follows:

1-15 Sec. 411.0206. ABATEMENT OR DEFERRAL FOR VICTIMS OF
1-16 IDENTITY THEFT. (a) In this section:

1-17 (1) "License" means a license, certificate, permit, or
1-18 other authorization issued by the department.

1-19 (2) "Victim of identity theft" means an individual who
1-20 has filed a criminal complaint alleging the commission of an
1-21 offense under Section 32.51, Penal Code, other than a person who is
1-22 convicted of an offense under Section 37.08, Penal Code, with
1-23 respect to that complaint.

1-24 (b) The department may abate or defer a mandatory suspension
1-25 or revocation of a license if the license holder presents evidence
1-26 acceptable to the department that:

1-27 (1) the license holder is the victim of identity
1-28 theft; and

1-29 (2) the person against whom a criminal complaint
1-30 alleging the commission of an offense under Section 32.51, Penal
1-31 Code, has been filed, and not the license holder, engaged in the act
1-32 or omission that mandates the suspension or revocation.

1-33 SECTION 2. This Act takes effect immediately if it receives
1-34 a vote of two-thirds of all the members elected to each house, as
1-35 provided by Section 39, Article III, Texas Constitution. If this
1-36 Act does not receive the vote necessary for immediate effect, this
1-37 Act takes effect September 1, 2011.

1-38 * * * * *