

By: Williams, et al.

S.B. No. 9

A BILL TO BE ENTITLED

AN ACT

relating to homeland security; providing penalties.

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

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.252 to read as follows:

Art. 2.252. VERIFICATION OF IMMIGRATION STATUS OF PERSON CHARGED WITH COMMITTING OFFENSE. (a) A law enforcement agency that has custody of a person shall verify the immigration status of the person by use of the federal Secure Communities program operated by United States Immigration and Customs Enforcement or a successor program.

(b) A law enforcement agency conducting an immigration status verification under Subsection (a) shall notify United States Immigration and Customs Enforcement if the agency is unable to verify a person's immigration status.

(c) A law enforcement agency is not required to conduct an immigration status verification under Subsection (a) of a person who is transferred to the custody of the agency by another law enforcement agency if the transferring agency, before transferring custody of the person, conducted an immigration status verification under Subsection (a).

SECTION 2. Subsection (a), Section 4, Article 37.07, Code of Criminal Procedure, is amended to read as follows:

(a) In the penalty phase of the trial of a felony case in

1 which the punishment is to be assessed by the jury rather than the
 2 court, if the offense of which the jury has found the defendant
 3 guilty is an offense under Section 71.02 or 71.023, Penal Code, or
 4 an offense listed in Section 3g(a)(1), Article 42.12, [~~of this~~
 5 ~~code~~] or if the judgment contains an affirmative finding under
 6 Section 3g(a)(2), Article 42.12, [~~of this code,~~] unless the
 7 defendant has been convicted of an offense under Section 21.02,
 8 Penal Code, an offense under Section 22.021, Penal Code, that is
 9 punishable under Subsection (f) of that section, or a capital
 10 felony, the court shall charge the jury in writing as follows:

11 "Under the law applicable in this case, the defendant, if
 12 sentenced to a term of imprisonment, may earn time off the period of
 13 incarceration imposed through the award of good conduct time.
 14 Prison authorities may award good conduct time to a prisoner who
 15 exhibits good behavior, diligence in carrying out prison work
 16 assignments, and attempts at rehabilitation. If a prisoner engages
 17 in misconduct, prison authorities may also take away all or part of
 18 any good conduct time earned by the prisoner.

19 "It is also possible that the length of time for which the
 20 defendant will be imprisoned might be reduced by the award of
 21 parole.

22 "Under the law applicable in this case, if the defendant is
 23 sentenced to a term of imprisonment, the defendant [~~he~~] will not
 24 become eligible for parole until the actual time served equals
 25 one-half of the sentence imposed or 30 years, whichever is less,
 26 without consideration of any good conduct time the defendant [~~he~~]
 27 may earn. If the defendant is sentenced to a term of less than four

1 years, the defendant [~~he~~] must serve at least two years before the
 2 defendant [~~he~~] is eligible for parole. Eligibility for parole does
 3 not guarantee that parole will be granted.

4 "It cannot accurately be predicted how the parole law and
 5 good conduct time might be applied to this defendant if [~~he is~~]
 6 sentenced to a term of imprisonment, because the application of
 7 these laws will depend on decisions made by prison and parole
 8 authorities.

9 "You may consider the existence of the parole law and good
 10 conduct time. However, you are not to consider the extent to which
 11 good conduct time may be awarded to or forfeited by this particular
 12 defendant. You are not to consider the manner in which the parole
 13 law may be applied to this particular defendant."

14 SECTION 3. Subchapter A, Chapter 411, Government Code, is
 15 amended by adding Section 411.0094 to read as follows:

16 Sec. 411.0094. AUTOMATIC LICENSE PLATE READER PILOT
 17 PROGRAM. (a) In this section, "automatic license plate reader"
 18 means a system that reads and records license plate numbers taken
 19 from digital photographs.

20 (b) The department shall establish a pilot program in which
 21 automatic license plate readers may be installed in law enforcement
 22 motor vehicles used by the department for law enforcement.

23 (c) The program must include a request for proposal process
 24 to select a contractor for the installation of automatic license
 25 plate readers.

26 (d) The department shall adopt rules as necessary to
 27 implement the program.

1 (e) An automatic license plate reader installed under this
2 section:

3 (1) may be used only to record information necessary
4 to identify a motor vehicle; and

5 (2) may not be used to record an image of a person in a
6 motor vehicle.

7 (f) The images and any related data produced from an
8 automatic license plate identification camera system may be queried
9 or disseminated only for a law enforcement purpose.

10 (g) All data produced from an automatic license plate reader
11 shall be destroyed within one year of collection unless the data is
12 evidence in a criminal investigation or prosecution.

13 (h) Any agreement or memorandum of understanding concerning
14 data-sharing related to an automatic license plate identification
15 camera system between law enforcement entities collecting,
16 sharing, or gaining access to data under this section is subject to
17 the provisions of Chapter 552, Government Code.

18 (i) Not later than December 1, 2012, the department shall
19 file a report with the committee in each house of the legislature
20 having primary jurisdiction over homeland security matters. The
21 report must include:

22 (1) information regarding the use of automatic license
23 plate readers by the department; and

24 (2) any other information that would assist the
25 legislature in evaluating the effectiveness of the use of automatic
26 license plate readers by the department.

27 (j) This section expires September 1, 2013.

SECTION 4. Section 411.023, Government Code, is amended by amending Subsection (b) and adding Subsection (g) to read as follows:

(b) A special ranger is subject to the orders of the commission and the governor for special duty to the same extent as other law enforcement officers provided for by this chapter, except that a special ranger may not enforce a law [~~except one designed to protect life and property and may not enforce a law~~] regulating the use of a state highway by a motor vehicle. A special ranger is not connected with a ranger company or uniformed unit of the department.

(g) The director may call special rangers into service to:

- (1) preserve the peace and protect life and property;
- (2) conduct background investigations;
- (3) monitor sex offenders;
- (4) serve as part of two-officer units on patrol in high threat areas; and
- (5) provide assistance to the department during disasters.

SECTION 5. Section 411.024, Government Code, is amended by amending Subsection (b) and adding Subsection (g) to read as follows:

(b) A special Texas Ranger is subject to the orders of the commission and the governor for special duty to the same extent as other law enforcement officers provided for by this chapter, except that a special Texas Ranger may not enforce a law [~~except one designed to protect life and property and may not enforce a law~~]

regulating the use of a state highway by a motor vehicle. A special Texas Ranger is not connected with a ranger company or uniformed unit of the department.

(g) The director may call special Texas Rangers into service to:

- (1) preserve the peace and protect life and property;
- (2) conduct background investigations;
- (3) monitor sex offenders;
- (4) serve as part of two-officer units on patrol in high threat areas; and
- (5) provide assistance to the department during disasters.

SECTION 6. Subsection (d), Section 508.145, Government Code, is amended to read as follows:

(d) An inmate serving a sentence for an offense described by Section 3g(a)(1)(A), (C), (D), (E), (F), (G), (H), (I), (J), or (K), Article 42.12, Code of Criminal Procedure, ~~or for~~ an offense for which the judgment contains an affirmative finding under Section 3g(a)(2) of that article, or an offense under Section 71.02 or 71.023, Penal Code, is not eligible for release on parole until the inmate's actual calendar time served, without consideration of good conduct time, equals one-half of the sentence or 30 calendar years, whichever is less, but in no event is the inmate eligible for release on parole in less than two calendar years.

SECTION 7. Subsection (a), Section 508.149, Government Code, is amended to read as follows:

(a) An inmate may not be released to mandatory supervision

1 if the inmate is serving a sentence for or has been previously
2 convicted of:

3 (1) an offense for which the judgment contains an
4 affirmative finding under Section 3g(a)(2), Article 42.12, Code of
5 Criminal Procedure;

6 (2) a first degree felony or a second degree felony
7 under Section 19.02, Penal Code;

8 (3) a capital felony under Section 19.03, Penal Code;

9 (4) a first degree felony or a second degree felony
10 under Section 20.04, Penal Code;

11 (5) an offense under Section 21.11, Penal Code;

12 (6) a felony under Section 22.011, Penal Code;

13 (7) a first degree felony or a second degree felony
14 under Section 22.02, Penal Code;

15 (8) a first degree felony under Section 22.021, Penal
16 Code;

17 (9) a first degree felony under Section 22.04, Penal
18 Code;

19 (10) a first degree felony under Section 28.02, Penal
20 Code;

21 (11) a second degree felony under Section 29.02, Penal
22 Code;

23 (12) a first degree felony under Section 29.03, Penal
24 Code;

25 (13) a first degree felony under Section 30.02, Penal
26 Code;

27 (14) a felony for which the punishment is increased

under Section 481.134 or Section 481.140, Health and Safety Code;

(15) an offense under Section 43.25, Penal Code;

(16) an offense under Section 21.02, Penal Code; ~~[or]~~

(17) a first degree felony under Section 15.03, Penal Code; or

(18) a first degree felony under Section 71.02 or 71.023, Penal Code.

SECTION 8. Subsection (a), Section 511.0101, Government Code, as amended by Chapters 977 (H.B. 3654) and 1215 (S.B. 1009), Acts of the 81st Legislature, Regular Session, 2009, is reenacted and amended to read as follows:

(a) Each county shall submit to the commission on or before the fifth day of each month a report containing the following information:

(1) the number of prisoners confined in the county jail on the first day of the month, classified on the basis of the following categories:

(A) total prisoners;

(B) pretrial Class C misdemeanor offenders;

(C) pretrial Class A and B misdemeanor offenders;

(D) convicted misdemeanor offenders;

(E) felony offenders whose penalty has been reduced to a misdemeanor;

(F) pretrial felony offenders;

(G) convicted felony offenders;

(H) prisoners detained on bench warrants;

(I) prisoners detained for parole violations;

(J) prisoners detained for federal officers;

(K) prisoners awaiting transfer to the institutional division of the Texas Department of Criminal Justice following conviction of a felony or revocation of probation, parole, or release on mandatory supervision and for whom paperwork and processing required for transfer have been completed;

(L) prisoners detained after having been transferred from another jail and for whom the commission has made a payment under Subchapter F, Chapter 499, Government Code;

(M) prisoners for whom an immigration detainer has been issued by United States Immigration and Customs Enforcement ~~[who are known to be pregnant]~~; and

(N) other prisoners;

(2) the total capacity of the county jail on the first day of the month;

(3) the total number of prisoners who were confined in the county jail during the preceding month, based on a count conducted on each day of that month, who were known or had been determined to be pregnant; ~~and~~

(4) the total cost to the county during the preceding month of housing prisoners described by Subdivision (1)(M), calculated based on the average daily cost of housing a prisoner in the county jail; and

(5) certification by the reporting official that the information in the report is accurate.

SECTION 9. Section 46.01, Penal Code, is amended by adding Subdivision (17) to read as follows:

1 (17) "Tire deflation device" means a device, including
2 a caltrop or spike strip, that, when driven over, impedes or stops
3 the movement of a wheeled vehicle by puncturing one or more of the
4 vehicle's tires. The term does not include a traffic control device
5 that:

6 (A) is designed to puncture one or more of a
7 vehicle's tires when driven over in a specific direction; and

8 (B) has a clearly visible sign posted in close
9 proximity to the traffic control device that prohibits entry or
10 warns motor vehicle operators of the traffic control device.

11 SECTION 10. Subsections (a), (d), and (e), Section 46.05,
12 Penal Code, are amended to read as follows:

13 (a) A person commits an offense if the person ~~[he]~~
14 intentionally or knowingly possesses, manufactures, transports,
15 repairs, or sells:

- 16 (1) an explosive weapon;
- 17 (2) a machine gun;
- 18 (3) a short-barrel firearm;
- 19 (4) a firearm silencer;
- 20 (5) a switchblade knife;
- 21 (6) knuckles;
- 22 (7) armor-piercing ammunition;
- 23 (8) a chemical dispensing device; ~~[or]~~
- 24 (9) a zip gun; or
- 25 (10) a tire deflation device.

26 (d) It is an affirmative defense to prosecution under this
27 section that the actor's conduct:

(1) was incidental to dealing with a switchblade knife, springblade knife, ~~[or]~~ short-barrel firearm, or tire deflation device solely as an antique or curio; ~~[or]~~

(2) was incidental to dealing with armor-piercing ammunition solely for the purpose of making the ammunition available to an organization, agency, or institution listed in Subsection (b); or

(3) was incidental to dealing with a tire deflation device solely for the purpose of making the device available to an organization, agency, or institution listed in Subsection (b).

(e) An offense under Subsection (a)(1), (2), (3), (4), (7), (8), or (9) ~~[this section]~~ is a felony of the third degree. An offense ~~[unless it is committed]~~ under Subsection (a)(5) or (a)(6) ~~[, in which event, it]~~ is a Class A misdemeanor. An offense under Subsection (a)(10) is a state jail felony.

SECTION 11. Subsection (b), Section 71.02, Penal Code, as amended by Chapters 761 (H.B. 354) and 900 (S.B. 1067), Acts of the 73rd Legislature, Regular Session, 1993, is reenacted and amended to read as follows:

(b) Except as provided in Subsections (c) and (d), an offense under this section is one category higher than the most serious offense listed in Subsection (a) that was committed, and if the most serious offense is a Class A misdemeanor, the offense is a state jail felony, except that if the most serious offense is a felony of the first degree, the offense is a felony of the first degree punishable by imprisonment in the Texas Department of Criminal Justice for life or for any term of not more than 99 years

1 or less than 15 years.

2 SECTION 12. Subsection (c), Section 71.02, Penal Code, as
3 amended by Chapters 761 (H.B. 354) and 900 (S.B. 1067), Acts of the
4 73rd Legislature, Regular Session, 1993, is reenacted to read as
5 follows:

6 (c) Conspiring to commit an offense under this section is of
7 the same degree as the most serious offense listed in Subsection (a)
8 that the person conspired to commit.

9 SECTION 13. Section 71.023, Penal Code, is amended to read
10 as follows:

11 Sec. 71.023. DIRECTING ACTIVITIES OF [~~CERTAIN~~] CRIMINAL
12 STREET GANGS.

13 (a) A person commits an offense if the person, as part of the
14 identifiable leadership of a criminal street gang, knowingly
15 [initiates, organizes, plans,] finances, directs, [manages,] or
16 supervises the commission of, or a conspiracy to commit, one or more
17 of the following offenses by [a criminal street gang or] members of
18 a criminal street gang:

19 (1) a felony that is listed in Section 39(a)(1),
20 Article 42.12, Code of Criminal Procedure;

21 (2) a felony for which it is shown that a deadly
22 weapon, as defined by Section 1.07, was used or exhibited during the
23 commission of the offense or during immediate flight from the
24 commission of the offense; or

25 (3) an offense that is punishable as a felony of the
26 first or second degree under Chapter 481, Health and Safety Code
27 [with the intent to benefit, promote, or further the interests of

~~the criminal street gang or to increase the person's standing, position, or status in the criminal street gang].~~

(b) An offense under this section is a felony of the first degree punishable by imprisonment in the Texas Department of Criminal Justice for life or for any term of not more than 99 years or less than 25 years.

~~[(c) Notwithstanding Section 71.01, in this section, "criminal street gang" means:~~

~~[(1) an organization that:~~

~~[(A) has more than 10 members whose names are included in an intelligence database under Chapter 61, Code of Criminal Procedure;~~

~~[(B) has a hierarchical structure that has been documented in an intelligence database under Chapter 61, Code of Criminal Procedure;~~

~~[(C) engages in profit-sharing among two or more members of the organization; and~~

~~[(D) in one or more regions of this state served by different regional councils of government, continuously or regularly engages in conduct:~~

~~[(i) that constitutes an offense listed in Section 39(a)(1), Article 42.12, Code of Criminal Procedure;~~

~~[(ii) in which it is alleged that a deadly weapon is used or exhibited during the commission of or immediate flight from the commission of any felony offense; or~~

~~[(iii) that is punishable as a felony of the first or second degree under Chapter 481, Health and Safety Code; or~~

1 ~~[(2) an organization that, in collaboration with an~~
2 ~~organization described by Subdivision (1), engages in conduct or~~
3 ~~commits an offense or conspires to engage in conduct or commit an~~
4 ~~offense described by Subdivision (1)(D).]~~

5 SECTION 14. Subchapter A, Chapter 521, Transportation Code,
6 is amended by adding Section 521.007 to read as follows:

7 Sec. 521.007. TEMPORARY VISITOR STATIONS. (a) The
8 department shall designate as temporary visitor stations certain
9 driver's license offices.

10 (b) A driver's license office designated as a temporary
11 visitor station under this section must have at least two staff
12 members who have completed specialized training on the temporary
13 visitor issuance guide published by the department.

14 (c) A driver's license office designated as a temporary
15 visitor station shall provide information and assistance to other
16 driver's license offices in the state.

17 SECTION 15. Subsection (b), Section 521.041,
18 Transportation Code, is amended to read as follows:

19 (b) The department shall maintain suitable indexes, in
20 alphabetical or numerical order, that contain:

21 (1) each denied application and the reasons for the
22 denial;

23 (2) each application that is granted; ~~and~~

24 (3) the name of each license holder whose license has
25 been suspended, canceled, or revoked and the reasons for that
26 action; and

27 (4) the citizenship status of each holder of a license

1 or personal identification certificate.

2 SECTION 16. Section 521.059, Transportation Code, is
3 amended by adding Subsection (d) to read as follows:

4 (d) The department may use the image verification system
5 established under this section to ensure that the applicant is not a
6 fugitive from justice, as defined by Section 38.01, Penal Code.

7 SECTION 17. Section 521.101, Transportation Code, is
8 amended by adding Subsections (d-1), (f-2), and (f-3) and amending
9 Subsection (f) to read as follows:

10 (d-1) Unless the information has been previously provided
11 to the department, the department shall require each applicant for
12 an original, renewal, or duplicate personal identification
13 certificate to furnish to the department:

14 (1) proof of the applicant's United States
15 citizenship; or

16 (2) documentation described by Subsection (f-2).

17 (f) A personal identification certificate:

18 (1) for an applicant who is a citizen, national, or
19 legal permanent resident of the United States or a refugee or asylee
20 lawfully admitted into the United States:

21 (A) expires on a date specified by the department
22 if the applicant is younger than 60 years of age; or

23 (B) does not expire if the applicant is 60 years
24 of age or older; or

25 (2) for an applicant not described by Subdivision (1),
26 expires on:

27 (A) the earlier of:

1 (i) a date specified by the department; or
2 (ii) the expiration date of the applicant's
3 authorized stay in the United States; or

4 (B) the first anniversary of the date of
5 issuance, if there is no definite expiration date for the
6 applicant's authorized stay in the United States~~[, except that a~~
7 ~~certificate issued to a person 60 years of age or older does not~~
8 ~~expire]~~.

9 (f-2) An applicant who is not a citizen of the United States
10 must present to the department documentation issued by the
11 appropriate United States agency that authorizes the applicant to
12 be in the United States.

13 (f-3) The department may not issue a personal
14 identification certificate to an applicant who fails or refuses to
15 comply with Subsection (f-2).

16 SECTION 18. Section 521.103, Transportation Code, is
17 amended by adding Subsection (c) to read as follows:

18 (c) Sections 521.101(f-2) and (f-3) apply to a personal
19 identification certificate for which application is made under this
20 section.

21 SECTION 19. Subsections (a) and (e), Section 521.142,
22 Transportation Code, are amended to read as follows:

23 (a) An application for an original license must state the
24 applicant's full name and place and date of birth. This information
25 must be verified by presentation of proof of identity satisfactory
26 to the department. An applicant who is not a citizen of the United
27 States must present to the department documentation issued by the

appropriate United States agency that authorizes the applicant to
be in the United States before the applicant may be issued a
driver's license. The department must accept as satisfactory proof
of identity under this subsection an offender identification card
or similar form of identification issued to an inmate by the Texas
Department of Criminal Justice if the applicant also provides
supplemental verifiable records or documents that aid in
establishing identity.

(e) The application must include any other information the
department requires to determine the applicant's identity,
residency, competency, and eligibility as required by the
department or state law.

SECTION 20. Section 521.1425, Transportation Code, is
amended by amending Subsection (a) and adding Subsection (c) to
read as follows:

(a) Except as provided by Subsections ~~[Subsection]~~ (b) and
(c), the department may require each applicant for an original,
renewal, or duplicate driver's license to furnish to the department
the information required by Section 521.142.

(c) Unless the information has been previously provided to
the department, the department shall require each applicant for an
original, renewal, or duplicate driver's license to furnish to the
department:

(1) proof of the applicant's United States
citizenship; or

(2) documentation described by Section 521.142(a).

SECTION 21. Section 521.271, Transportation Code, is

amended by amending Subsections (a) and (b) and adding Subsections (a-2), (a-3), and (a-4) to read as follows:

(a) Each original driver's license, ~~and~~ provisional license, instruction permit, or occupational driver's license issued to an applicant who is a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States expires as follows:

(1) except as provided by Section 521.2711, a driver's license expires on the first birthday of the license holder occurring after the sixth anniversary of the date of the application;

(2) a provisional license expires on the 18th birthday of the license holder;

(3) an instruction permit expires on the 18th birthday of the license holder;

(4) an occupational driver's license expires on the first anniversary of the court order granting the license; and

(5) unless an earlier date is otherwise provided, a driver's license issued to a person whose residence or domicile is a correctional facility or a parole facility expires on the first birthday of the license holder occurring after the first anniversary of the date of issuance.

(a-2) Each original driver's license issued to an applicant who is not a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States expires on:

(1) the earlier of:

1 (A) the first birthday of the license holder
2 occurring after the sixth anniversary of the date of the
3 application; or

4 (B) the expiration date of the license holder's
5 lawful presence in the United States as determined by the
6 appropriate United States agency in compliance with federal law; or

7 (2) the first anniversary of the date of issuance, if
8 there is no definite expiration date for the applicant's authorized
9 stay in the United States.

10 (a-3) Each original provisional license or instruction
11 permit issued to an applicant who is not a citizen, national, or
12 legal permanent resident of the United States or a refugee or asylee
13 lawfully admitted into the United States expires on the earliest
14 of:

15 (1) the 18th birthday of the license holder;

16 (2) the first birthday of the license holder occurring
17 after the date of the application; or

18 (3) the expiration of the license holder's lawful
19 presence in the United States as determined by the United States
20 agency responsible for citizenship and immigration in compliance
21 with federal law.

22 (a-4) Each original occupational driver's license issued to
23 an applicant who is not a citizen, national, or legal permanent
24 resident of the United States or a refugee or asylee lawfully
25 admitted into the United States expires on the earlier of:

26 (1) the first anniversary of the date of issuance; or

27 (2) the expiration of the license holder's lawful

1 presence in the United States as determined by the appropriate
2 United States agency in compliance with federal law.

3 (b) Except as provided by Section 521.2711, a driver's
4 license that is renewed expires on the earlier of:

5 (1) the sixth anniversary of the expiration date
6 before renewal if the applicant is a citizen, national, or legal
7 permanent resident of the United States or a refugee or asylee
8 lawfully admitted into the United States;

9 (1-a) for an applicant not described by Subdivision
10 (1):

11 (A) the earlier of:

12 (i) the sixth anniversary of the expiration
13 date before renewal; or

14 (ii) the expiration date of the applicant's
15 authorized stay in the United States; or

16 (B) the first anniversary of the date of
17 issuance, if there is no definite expiration date for the
18 applicant's authorized stay in the United States; or

19 (2) for a renewal driver's license issued to a person
20 whose residence or domicile is a correctional facility or a parole
21 facility, the first birthday of the license holder occurring after
22 the first anniversary of the date of issuance unless an earlier date
23 is otherwise provided.

24 SECTION 22. Section 521.2711, Transportation Code, is
25 amended by adding Subsection (c) to read as follows:

26 (c) Notwithstanding Subsections (a) and (b), an original or
27 renewal driver's license issued to an applicant who is 85 years of

age or older and not a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States expires on:

(1) the earlier of:

(A) the second anniversary of the expiration date before renewal; or

(B) the expiration date of the applicant's authorized stay in the United States; or

(2) the first anniversary of the date of issuance if there is no definite expiration date for the applicant's authorized stay in the United States.

SECTION 23. Section 521.272, Transportation Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) Notwithstanding Sections [~~Section~~] 521.271 and 521.2711, a driver's license issued under this section, including a renewal, duplicate, or corrected license, expires:

(1) if the license holder is a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States, on the first birthday of the license holder occurring after the date of application, except that the initial license issued under this section expires on the second birthday of the license holder occurring after the date of application; or

(2) if the applicant is not described by Subdivision (1), on the earlier of:

(A) the expiration date of the applicant's

1 authorized stay in the United States; or

2 (B) the first birthday of the license holder
3 occurring after the date of application, except that the initial
4 license issued under this section expires on the second birthday of
5 the license holder occurring after the date of application.

6 (d) Subsection (c) [This subsection] does not apply to:

7 (1) a provisional license;

8 (2) an instruction permit issued under Section
9 521.222; or

10 (3) a hardship license issued under Section 521.223.

11 SECTION 24. Section 521.421, Transportation Code, is
12 amended by adding Subsection (a-3) to read as follows:

13 (a-3) Except as provided by Subsections (a-1) and (a-2), the
14 fee for a driver's license or personal identification certificate
15 that is issued to a person who is not a citizen, national, or legal
16 permanent resident of the United States or a refugee or asylee
17 lawfully admitted into the United States and that is valid for not
18 more than one year is \$24.

19 SECTION 25. (a) Chapter 521, Transportation Code, is
20 amended by adding Subchapter T to read as follows:

21 SUBCHAPTER T. DRIVER'S LICENSE SYSTEM IMPROVEMENT AND MAINTENANCE;

22 ACCOUNT AND FEES

23 Sec. 521.481. DRIVER'S LICENSE SYSTEM IMPROVEMENT ACCOUNT.

24 (a) The driver's license system improvement account is an account
25 in the general revenue fund that may be appropriated only for the
26 purposes of improving and maintaining the driver's license system.

27 (b) The account consists of money deposited to the account

under this subchapter.

(c) The account is exempt from the application of:

(1) Section 403.095, Government Code, as effective on September 1, 2011; and

(2) any successor to that section.

Sec. 521.482. DRIVER'S LICENSE SYSTEM IMPROVEMENT FEES. (a) The department shall collect a fee of:

(1) \$8 for the issuance or renewal of a driver's license or personal identification certificate described by Section 521.421(a) or (a-3);

(2) \$20 for the issuance of a commercial driver's license or a commercial driver learner's permit issued to a resident of this state who is not a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States; and

(3) \$40 for the issuance of a nonresident commercial driver's license that is issued to a person who is not a resident of this state and not a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States.

(b) A fee collected under this section may be used only for the improvement or maintenance of the driver's license system and shall be deposited to the credit of the driver's license system improvement account.

Sec. 521.483. RECORD REQUEST STANDARDIZATION FEE. (a) The department shall charge a standardization fee for records requested under Subchapter C.

1 (b) Subject to Section 521.046(b), the amount of the
2 standardization fee for a record request under Subchapter C is:

3 (1) \$2.50 if the fee otherwise imposed is \$2.50;

4 (2) \$6 if the fee otherwise imposed is \$4;

5 (3) \$5.50 if the fee otherwise imposed is \$4.50;

6 (4) \$5 if the fee otherwise imposed is \$5;

7 (5) \$4.50 if the fee otherwise imposed is \$5.50;

8 (6) \$4 if the fee otherwise imposed is \$6; and

9 (7) \$3 if the fee otherwise imposed is \$7.

10 (c) A standardization fee collected under this section
11 shall be deposited to the credit of the driver's license system
12 improvement account.

13 Sec. 521.484. DRIVER'S LICENSE REINSTATEMENT OR REISSUANCE
14 STANDARDIZATION FEE. (a) The department shall collect a
15 standardization fee of \$25 for the reinstatement or reissuance of a
16 license under Section 521.313, 521.3466(d), or 601.376 of this
17 code, or Section 13, Article 42.12, Code of Criminal Procedure.

18 (b) A standardization fee collected under this section
19 shall be deposited to the credit of the driver's license system
20 improvement account.

21 (b) It is the intent of the legislature that:

22 (1) to the extent the differences are irreconcilable
23 and regardless of relative dates of enactment and relative
24 effective dates, the exemption of the driver's license system
25 improvement account from the application of Section 403.095,
26 Government Code, and any successor to that section, provided by
27 Subsection (c), Section 521.481, Transportation Code, as added by

1 this section, prevails over any other Act of the 82nd Legislature,
2 Regular Session, that becomes law; and

3 (2) Section 403.095, Government Code, as effective on
4 September 1, 2011, and any successor to that section, do not apply
5 to the account.

6 SECTION 26. Subsection (c), Section 522.021,
7 Transportation Code, is amended to read as follows:

8 (c) The application must meet the requirements of an
9 application under Sections [~~Section~~] 521.141, 521.142, and
10 521.1425 and [~~must~~] be accompanied by the fees [~~fee~~] required under
11 Sections 521.482 and [~~Section~~] 522.029. The department may require
12 documentary evidence to verify the information required by this
13 section [~~Subsection (a)~~].

14 SECTION 27. Section 522.029, Transportation Code, is
15 amended by amending Subsections (a) and (k) and adding Subsection
16 (l) to read as follows:

17 (a) The fee for a commercial driver's license, including a
18 commercial driver's license issued to a resident of this state who
19 is not a citizen, national, or legal permanent resident of the
20 United States or a refugee or asylee lawfully admitted into the
21 United States, or commercial driver learner's permit issued by the
22 department is \$60, except as provided by Subsections (f), (h), (j),
23 and (k).

24 (k) The fee for a nonresident commercial driver's license,
25 including a nonresident commercial driver's license that is issued
26 to a person who is not a resident of this state and not a citizen,
27 national, or legal permanent resident of the United States or a

1 refugee or asylee lawfully admitted into the United States, is
2 \$120.

3 (1) The fee for a temporary nonresident commercial driver's
4 license is \$20.

5 SECTION 28. Subsection (f), Section 522.029,
6 Transportation Code, as added by Chapter 1372 (H.B. 1200), Acts of
7 the 75th Legislature, Regular Session, 1997, is redesignated as
8 Subsection (f-1) to read as follows:

9 (f-1) [~~(f)~~] If a commercial driver's license or commercial
10 driver learner's permit includes an authorization to operate a
11 motorcycle or moped, the fee for the driver's license or permit is
12 increased by \$8.

13 SECTION 29. Section 522.030, Transportation Code, is
14 amended to read as follows:

15 Sec. 522.030. CONTENT OF LICENSE. (a) A commercial
16 driver's license must:

- 17 (1) be marked "Commercial Driver License" or "CDL";
18 (2) be, to the extent practicable, tamper-proof; and
19 (3) include:
20 (A) the name and mailing address of the person to
21 whom it is issued;
22 (B) the person's color photograph;
23 (C) a physical description of the person,
24 including sex, height, and eye color;
25 (D) the person's date of birth;
26 (E) a number or identifier the department
27 considers appropriate;

(F) the person's signature;

(G) each class of commercial motor vehicle that the person is authorized to drive, with any endorsements or restrictions;

(H) the name of this state; and

(I) the dates between which the license is valid.

(b) To the extent of a conflict or inconsistency between this section and Section 522.013 or 522.051, Section 522.013 or 522.051 controls.

SECTION 30. Subsection (b), Section 522.033, Transportation Code, is amended to read as follows:

(b) Notwithstanding Section 522.051, a commercial driver's license or commercial driver learner's permit issued under this section, including a renewal, duplicate, or corrected license, expires:

(1) if the license or permit holder is a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States, on the first birthday of the license holder occurring after the date of application, except that the initial license issued under this section expires on the second birthday of the license holder occurring after the date of application; or

(2) if the applicant is not described by Subdivision (1), on the earlier of:

(A) the expiration date of the applicant's authorized stay in the United States; or

(B) the first birthday of the license holder

1 occurring after the date of application, except that the initial
2 license issued under this section expires on the second birthday of
3 the license holder occurring after the date of application.

4 SECTION 31. Section 522.052, Transportation Code, is
5 amended by adding Subsection (i) to read as follows:

6 (i) Unless the information has been previously provided to
7 the department, the department shall require each applicant for a
8 renewal or duplicate commercial driver's license to furnish to the
9 department:

10 (1) proof of the applicant's United States
11 citizenship; or

12 (2) documentation described by Section 521.142(a).

13 SECTION 32. Section 10, Article 4413(37), Revised Statutes,
14 is amended by amending Subsection (b) and adding Subsection (e) to
15 read as follows:

16 (b) An insurer shall pay to the authority a fee equal to \$2
17 ~~[\$1]~~ multiplied by the total number of motor vehicle years of
18 insurance for insurance policies delivered, issued for delivery, or
19 renewed by the insurer. The fee shall be paid not later than:

20 (1) March 1 of each year for a policy issued,
21 delivered, or renewed from July 1 through December 31 of the
22 previous calendar year; and

23 (2) August 1 of each year for a policy issued,
24 delivered, or renewed from January 1 through June 30 of that year.

25 (e) Fifty percent of each fee collected under Subsection (b)
26 shall be appropriated only to the authority for the purposes of this
27 article.

1 SECTION 33. Not later than January 1, 2013, the Department
2 of Public Safety of the State of Texas shall submit to the
3 legislature a report evaluating the effectiveness of the temporary
4 visitor stations established under Section 521.007, Transportation
5 Code, as added by this Act.

6 SECTION 34. Subsection (a), Section 4, Article 37.07, Code
7 of Criminal Procedure, Sections 508.145 and 508.149, Government
8 Code, and Sections 71.02 and 71.023, Penal Code, as amended by this
9 Act, apply only to an offense committed on or after the effective
10 date of this Act. An offense committed before the effective date of
11 this Act is governed by the law in effect when the offense was
12 committed, and the former law is continued in effect for that
13 purpose. For purposes of this section, an offense was committed
14 before the effective date of this Act if any element of the offense
15 occurred before that date.

16 SECTION 35. A county shall submit the first report required
17 by Section 511.0101, Government Code, as amended by this Act, not
18 later than October 5, 2011.

19 SECTION 36. (a) Except as provided by Subsection (b) of
20 this section, the changes in law made by this Act to Chapters 521
21 and 522, Transportation Code, apply only to a driver's license,
22 personal identification certificate, commercial driver's license,
23 or commercial driver learner's permit issued, reissued,
24 reinstated, or renewed on or after the effective date of this Act.
25 A driver's license, personal identification certificate,
26 commercial driver's license, or commercial driver learner's permit
27 issued, reissued, reinstated, or renewed before the effective date

1 of this Act is governed by the law in effect when the license,
2 certificate, or permit was issued, reissued, reinstated, or
3 renewed, and the former law is continued in effect for that purpose.

4 (b) Subsection (a) of this section does not apply to the
5 change in law made by this Act to Section 521.059, Transportation
6 Code.

7 SECTION 37. The fee imposed by Section 521.483,
8 Transportation Code, as added by this Act, applies to a record
9 request submitted on or after the effective date of this Act. A
10 record request submitted before the effective date of this Act is
11 governed by the law in effect on the date the request was submitted,
12 and the former law is continued in effect for that purpose.

13 SECTION 38. Section 10, Article 4413(37), Revised Statutes,
14 as amended by this Act, applies only to an insurance policy issued,
15 delivered, or renewed on or after the effective date of this Act.
16 An insurance policy issued, delivered, or renewed before the
17 effective date of this Act is governed by the law in effect on the
18 date the insurance policy was issued, delivered, or renewed, and
19 the former law is continued in effect for that purpose.

20 SECTION 39. This Act takes effect September 1, 2011.