88R6558 MZM-D

By:  Hernandez H.B. No. 1684

A BILL TO BE ENTITLED

AN ACT

relating to the form of a driver's license or personal identification certificate issued to persons convicted of certain human trafficking offenses.

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

SECTION 1.  Chapter 42, Code of Criminal Procedure, is amended by adding Article 42.0161 to read as follows:

Art. 42.0161.  DRIVER'S LICENSE OR IDENTIFICATION REQUIREMENTS FOR CERTAIN HUMAN TRAFFICKING OFFENSES. If a person is convicted of an offense under Chapter 20A, Penal Code, the court shall:

(1)  require the person to surrender to the court any driver's license or personal identification certificate issued by the Texas Department of Public Safety that the person holds;

(2)  issue an order requiring the Texas Department of Public Safety to include in any driver's license record or personal identification certificate record maintained by the department for the person an indication that the person has been convicted of an offense under Chapter 20A, Penal Code;

(3)  notify the person of the consequences of the conviction as it relates to the order issued under this article; and

(4)  send to the Department of Public Safety:

(A)  a copy of the record of conviction and a copy of the order issued under this article; and

(B)  if surrendered to the court, the person's driver's license or personal identification certificate.

SECTION 2.  Subchapter C, Chapter 521, Transportation Code, is amended by adding Section 521.0571 to read as follows:

Sec. 521.0571.  INFORMATION REGARDING CERTAIN HUMAN TRAFFICKING OFFENSES; FORM OF LICENSE OR CERTIFICATE. (a) On receipt of a court order issued under Article 42.0161, Code of Criminal Procedure, the department shall ensure that any driver's license record or personal identification certificate record maintained by the department for the person includes an indication that the person has been convicted of an offense under Chapter 20A, Penal Code.

(b)  If the person applies for the issuance or renewal of a new or duplicate driver's license or personal identification certificate or for the reinstatement of a license, as applicable, the department may not issue to the person a driver's license or certificate unless the license or certificate includes a distinctive symbol or marking on the face of the license or certificate indicating that the person has been convicted of an offense under Chapter 20A, Penal Code. The department by rule shall specify the symbol or marking required by this subsection.

(c)  The distinctive symbol or marking required by Subsection (b) is in addition to any other information on the person's driver's license or personal identification certificate required by this chapter or the department.

(d)  A person may apply to the department for a driver's license or personal identification certificate that does not include the distinctive symbol or marking described by Subsection (b) if the person provides evidence to the department that:

(1)  an order of expunction under Chapter 55, Code of Criminal Procedure, has been issued with respect to the offense under Chapter 20A, Penal Code;

(2)  the person has been pardoned for the offense under Chapter 20A, Penal Code, under the authority of a state or federal official; or

(3)  the conviction for the offense under Chapter 20A, Penal Code, was otherwise vacated, set aside, annulled, invalidated, voided, or sealed under any state or federal law.

(e)  If a person provides the evidence described by Subsection (d), the department shall:

(1)  issue a driver's license or personal identification certificate that does not include the distinctive symbol or marking described by Subsection (b); and

(2)  remove the indication required by Subsection (a) in any driver's license record or personal identification certificate record maintained by the department for the person.

SECTION 3.  The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 4.  This Act takes effect September 1, 2023.