

BILL ANALYSIS

H.B. 384
By: Burnam
Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Texas Code of Criminal Procedure, Article 2.131, prohibits a peace officer from engaging in racial profiling. The law includes all peace officers, including Texas Department of Public Safety (DPS) officers. The racial profiling prohibition does not explicitly apply to civilian employees who are not peace officers. This bill expressly prohibits DPS civilian employees from engaging in racial profiling in issuing an original, renewal, or duplicate driver's license or personal identification certificate.

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

The bill amends Article 2.131, Code of Criminal Procedure, to prohibit a Department of Public Safety (DPS) civilian employee from engaging in racial profiling in the issuance of an original, renewal, or duplicate driver's license or personal identification certificate. The bill further requires that, to the extent possible, certain provisions of a policy adopted under Article 2.132, Code of Criminal Procedure, also apply to civilian employees of DPS who are assigned to the driver's license facilities of the department.

EFFECTIVE DATE

September 1, 2009.