

Amend CSSB 1 (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. AUTHORITY OF PEACE OFFICERS TO REQUEST FINGERPRINTS
DURING MOTOR VEHICLE STOPS

SECTION _____.01. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.32 to read as follows:

Art. 2.32. OBTAINING FINGERPRINTS DURING MOTOR VEHICLE STOP. (a) In this article:

(1) "Citation" means any summons, ticket, or other official document issued to a person by a peace officer that requires the person to respond or appear.

(2) "Motor vehicle stop" means an occasion in which a peace officer stops a motor vehicle based on the officer's reasonable suspicion of an alleged violation of a law or ordinance.

(b) For purposes of accurately determining the person's identity, a peace officer who makes a motor vehicle stop may request and obtain one digital fingerprint from each hand of the person operating the motor vehicle if the person operating the motor vehicle fails to provide to the officer during the stop:

(1) a driver's license issued to the person under Chapter 521 or 522, Transportation Code;

(2) a driver's license or commercial driver's license issued to the person by another state;

(3) a United States passport issued to the person; or

(4) any other form of photographic identification issued to the person by a governmental entity.

(c) In addition to or instead of the digital fingerprints permitted under Subsection (b), the peace officer may request and obtain one ink fingerprint from each hand of the person if the requirements of Subsection (b) are otherwise met and the officer issues a citation to the person for any offense as part of the motor vehicle stop. An ink fingerprint must be placed on an area of the citation that can be detached from the citation without damaging or altering any information on the citation.

(d) The person operating the motor vehicle shall provide the

person's fingerprints on a request by the peace officer under Subsection (b) or (c).

(e) Subject to Subsection (f), the peace officer and the applicable law enforcement agency may retain a digital or ink fingerprint under this article 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.

(f) A digital or ink fingerprint taken under this article must 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:

(1) the charge was dismissed with prejudice against the state;

(2) the person was acquitted of the charge; or

(3) the person was convicted of an offense punishable by fine only or the charge based on such an offense was dismissed for any reason.

(g) Based on available information regarding the retention of a fingerprint under Subsection (e), a court shall 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 as described by Subsection (f).

(h) This article does 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.