

CHAPTER 721

H.B. No. 635

AN ACT

relating to the preservation and use of evidence in certain offenses.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Article 38.33, Code of Criminal Procedure, is amended to read as follows:

Art. 38.33. PRESERVATION AND USE OF EVIDENCE OF CERTAIN MISDEMEANOR ~~[DRUNK OR DRUGGED DRIVING]~~ CONVICTIONS

Sec. 1. *The court shall order that a defendant who is convicted of an offense under Section 19.05(a)(2), Penal Code, a felony or misdemeanor offense under Article 67011-1, Revised Statutes, or any other misdemeanor offense that is punishable by confinement in jail, place his fingerprint legibly on the judgment or the docket sheet in the case. The judgment or docket sheet must contain a statement that describes from which finger the print was taken. A clerk or bailiff of the court or other person qualified to take fingerprints shall take the fingerprint.*

~~Sec. 2. This article does not prohibit a court from including in the records of the case additional information to identify the defendant. [DOCUMENTS FILED. When a person is finally convicted of an offense of driving while intoxicated or of an offense under Subdivision (2), Subsection (a), Section 19.05, Penal Code, the clerk of the court shall mail a notice of the conviction to the sheriff of the county in which the offense occurred. The sheriff shall compile and send to the clerk a copy of the defendant's signature, fingerprint, and driver's license number and copies of any photograph, picture, description, or measurement of the defendant made by a law enforcement agency in connection with that offense. The clerk shall forward to the department of public safety those documents and any complaint, information, indictment, judgment, sentence, mandate, or written waiver or motion in possession of the clerk pertaining to the conviction and the name of the attorney of record in that case.~~

~~[Sec. 2. USE AS EVIDENCE. A certified copy of a document of the department of public safety forwarded to the department pursuant to Section 1 of this article is admissible as evidence in a criminal proceeding to prove that a particular person was convicted of the offense to which the document pertains if the court finds that 15 days before trial, the party against whom the evidence is offered was provided a copy of the document offered as evidence.~~

~~[Sec. 3. DISSEMINATION OF DOCUMENTS. (a) On written request of a prosecuting attorney for any documents of the department of public safety forwarded to the~~

~~department pursuant to Section 1 of this article pertaining to a particular person, the department shall furnish the prosecuting attorney at no cost to the prosecuting attorney certified copies of those documents.~~

~~[(b) The court in which a criminal case is pending may request the department to mail to the defendant or the defendant's attorney copies of documents filed in the name of the defendant under Section 1 of this article. The department shall furnish the copies to the defendant or the defendant's attorney without cost to the defendant or the attorney.]~~

SECTION 2. The change in law made by this Act applies only to a conviction for an offense entered on or after the effective date of this Act. A conviction for an offense entered before the effective date of this Act is covered by the law in effect when the conviction was entered, and the former law is continued in effect for this purpose.

SECTION 3. This Act takes effect September 1, 1987.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 9, 1987, by a non-record vote. Passed by the Senate on May 21, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 19, 1987.

Effective Sept. 1, 1987.