
**HOUSE COMMITTEE ON PUBLIC SAFETY
TEXAS HOUSE OF REPRESENTATIVES
INTERIM REPORT 2002**

**A REPORT TO THE
HOUSE OF REPRESENTATIVES
78TH TEXAS LEGISLATURE**

**BOB TURNER
CHAIRMAN**

**COMMITTEE CLERK
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Committee On
Public Safety

December 13, 2002

Bob Turner
Chairman

P.O. Box 2910
Austin, Texas 78768-2910

The Honorable James E. "Pete" Laney
Speaker, Texas House of Representatives
Members of the Texas House of Representatives
Texas State Capitol, Rm. 2W.13
Austin, Texas 78701

Dear Mr. Speaker and Fellow Members:

The Committee on Public Safety of the Seventy-Seventh Legislature hereby submits its interim report including recommendations and drafted legislation for consideration by the Seventy-Eighth Legislature.

Respectfully submitted,

Bob Turner, Chairman

Terry Keel

Leo Berman

Joe Driver

Roberto Gutierrez

Suzanna Hupp

Carl Isett

Phil King

Michael Villarreal

Terry Keel
Vice-Chairman

Members: Leo Berman, Joe Driver, Roberto Gutierrez, Suzanna Hupp, Carl Isett, Phil King, Michael Villarreal

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INTRODUCTION

On January 17, 2001, the fifth day of the 77th Legislature, the Honorable James E. “Pete” Laney, Speaker of the House of Representatives, appointed the following members to the House Committee on Public Safety: Bob Turner (Chairman), Terry Keel (Vice-Chairman), Leo Berman, Joe Driver, Roberto Gutierrez, Suzanna Hupp, Carl Isett, Phil King and Michael Villarreal.

During the interim, the committee was assigned five charges by Speaker Laney:

1. Study current laws relating to the possession of weapons, including but not limited to the administration of the concealed handgun laws, and interactions among state, local and federal laws concerning firearms. Make any appropriate recommendations to enhance the efficiency, consistency and clarity of the laws.
2. Study trends and causes in drug use by teens and young adults.
3. Gather information related to state and local emergency planning and preparedness for major disasters, including emergency warning systems and large-scale evacuation planning. Determine whether legislation is needed to protect life and property and to detect, interdict and respond to acts of terrorism.
4. Examine the use of advanced technologies by local law enforcement offices, including various forms of high-tech surveillance. Consider the dilemmas that exist between effective law enforcement and government encroachment into citizens' private lives.
5. Actively monitor agencies and programs under the committee's oversight jurisdiction.

**EVALUATION OF THE CONCEALED HANDGUN
LICENSE LAW**

CHARGE: Study current laws relating to the possession of weapons, including but not limited to the administration of the concealed handgun laws, and interactions among state, local and federal laws concerning firearms. Make any appropriate recommendations to enhance the efficiency, consistency and clarity of the laws.

BACKGROUND

Currently, state agencies, municipalities and other governmental entities interpret the state concealed handgun law in many different ways. Confusions in regard to the state agencies' and municipalities' right to post a "no concealed carry of firearms" sign is what has been troubling for most concealed license holders. The Texas statute requires certain specifications to be placed on signs. Currently, there are two permissible signs that notify concealed carry license holders that they may not enter a premise with a firearm.

ANALYSIS

The problem is two-fold. First, the committee must decide whether state agencies, municipalities, and other governmental entities have the right to post a "no carry of firearms" sign. If they do have this right, why do they post signs that are not in accordance with Texas statutes? The following is a description of the two legal "no concealed carry of firearms" signs:

First: (A) Pursuant to Section 30.06, Penal Code (trespass by holder of license to carry a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (concealed handgun law), may not enter this property with a concealed handgun"; or

(B) a sign posted on the property that:

(i) includes the language described by Paragraph (A) in both English and Spanish;

(ii) appears in contrasting colors with block letters at least one inch in height; and

(iii) is displayed in a conspicuous manner clearly visible to the public.

Second: A business that has a permit or license issued under Chapter 25, 28, 32, 69, or 74, Alcoholic Beverage Code, and that derives 51 percent or more of its income from the sale of alcoholic beverages for on-premises consumption as determined by the Texas Alcoholic Beverage Commission under Section 104.06, Alcoholic Beverage Code, shall prominently display at each entrance to the business premises a sign that complies with the requirements of Subsection ©). (For example see Appendix A1.)

The following statements are oral and written testimony the committee received in their hearing:

Texans for Gun Safety’s comments:

“Some of the concerns we have heard from our opposition, is they would like the state to take away the local control of a city, county, or private business from prohibiting loaded, hidden handguns in public places such as county courthouses, city halls, libraries, swimming pools, shopping centers, malls and other places that are public, but private property. We feel that each of these entities should be allowed to make this determination based on the needs and desires of the community, and what that community determines is in the best interest of public safety. No business should be forced to allow hidden handguns onto their private property, we advocate the right of the businesses to post warning signs and keep hidden firearms out of their business. We feel that by no means should any city or county government be forced to allow hidden firearms into our community parks, recreation centers and other areas where families gather and children play.”¹

National Rifle Association of America and Texas State Rifle Association’s comments:

“When the Legislature passed the “Concealed Handgun License”(CHL), law in 1995, it rejected gutting amendments which would have given the authority to state agencies and local governments to ban carrying on their premise.” The amendment that was proposed is as follows:

House Journal, 74th Legislature -- Regular Session, Page 1620, May 1, 1995, Amendment No. 61.
(h)A license holder commits an offense if the license holder intentionally, knowingly, or recklessly carries a handgun on or about the license holder’s person under the authority of Article 4413(29ee), Revised Statutes, regardless of whether the handgun is concealed, on the premise of any federal, state, local government entity or at any meeting of a governmental entity.²

This amendment was tabled.³

FEBRUARY 26, 2002, PUBLIC HEARING

The committee held a public hearing in Austin, Texas on February 26, 2002, to allow the public the

opportunity to testify on the issue. The following people testified before the committee:

<u>NAME</u>	<u>REPRESENTING</u>	<u>STANCE</u>
David Berman	Americans for Gun Safety	On
David Blackburn	City of Killeen	On
David Gavin	Texas Department of Public Safety	On
Kathryn Ann Graham	Self	On
Gene Hamm	Self	On
Lloyd Leppo	Self and CHL Instructors	On
Tara Mica	National Rifle Association	On
John Shanks	Texans for Gun Safety	On
John Tarsikes	Self	On
Alice Tripp	Texas State Rifle Association	On
Dan West	Texas Concealed Handgun Association	On

CONCLUSION

In regard to private property rights, the committee is in true accordance with the legislative intent that was shown in the passing of the “Concealed Handgun License” law in 1995. The legislature allows private businesses and private property owners to post the Penal Code 30.06 sign, but rejects the notion state agencies, municipalities, and other governmental entities have the right to post these signs.

The committee finds that the “no concealed firearm” signs posted in state agencies, municipal facilities and other governmental entities are illegal, regardless of whether the signs conform to fit the Texas Statute’s definitions. The committee does recognize the list of prohibited places to carry a concealed weapon that is outlined in the Texas Statute. Public places should be open to concealed handgun licensees and the Texas House of Representatives validated this in 1995. It would be hypocritical for Legislators to allow citizens to carry concealed weapons in public, but not allow concealed weapons around elected officials.

The committee determined that many of the postings around the state are illegal and these signs are a misrepresentation of Texas Statutes. Even though the committee does recognize a private business’s and private property owner’s right to prohibit the carrying of firearms on their property, the committee strongly recommends that we require the CHL signs be uniformed and in accordance with Texas Statute. (See Appendix A2 through A4 for examples of illegal CHL postings.)

RECOMMENDATIONS

1. The Committee recommends that all state agencies, municipalities, and other governmental entities should immediately remove their CHL signs from all

buildings, parks, and recreational centers. The committee recommends that legislation be passed in the 78th Legislative Session to clarify the original intent of the Texas House of Representatives.

2. The Committee recommends that a resolution should be passed to inform private business owners and private property owners that if they choose to post a “no carry of concealed firearms” sign, they should post the one that is dictated in the Texas Statutes.

EVALUATION OF TRENDS, CAUSES AND DRUG USE BY TEENS AND YOUNG ADULTS

CHARGE: Study trends and causes in drug use by teens and young adults.

BACKGROUND

Currently, our state and local law enforcement agencies have noticed a rise in professionally promoted and sponsored parties targeting teenagers and drug use. These parties are referred to as “RAVES” and there are two different types:

1. Late night dance clubs, which generally do not open until after midnight and remain open until daylight. They operate on a regular basis and are usually owned by local business promoters.
2. Larger organized RAVE events. These RAVE events are generally produced by California-based concert show producers who associate themselves with a local promoter. Often the local promoter is an operator of the club or the owner of the property. Sometimes these property owners are not aware of the drug distribution and the drug use. These shows are very large scale with multiple stages and carnival-type midway sideshows that attract several thousand participants.

ANALYSIS

The general public is being deceived by the way these parties are being promoted. They are advertised as alcohol free. Parents of teenagers and young adults believe these parties are a safe place for our youth to dance and party without the presence of alcohol. State and local law enforcement agencies have found that alcohol is not present at these parties, but the distribution and use of Lysergic Acid Diethylamide (LSD), Methylenedioxymethamphetamine (MDMA, Ecstasy), Methamphetamine, Psilocybin, Mushrooms, and Gamma-Hydroxy-butyrate (GHB, date rape drug) are on the rise.

These parties are legal and it is very difficult for law enforcement officers to infiltrate these premises without detection. In some instances, local law enforcement and drug task forces learn of these parties prior to the start time and have the ability to shut down the place of operation down through the use of building code violations and fire code violations. The promoters of these parties now have changed the way they advertise. They do not announce the locations until a day or two before the event by means of a web-site and Internet message boards. This makes it very difficult to stop the parties before they start.

Law enforcement agencies have been able to control these parties more effectively in Dallas, Houston, Austin, and San Antonio due to city ordinances and permit requirements.⁴ These promoters are now trying to move these parties to rural areas where there is less likelihood of intervention by law enforcement because the agencies are small and less able to respond to the threat. Also, our rural counties and towns have fewer building codes and have very few permit requirements.

Paraphernalia used to enhance the effect of these drugs are:

1. Pacifiers - Helps to prevent the drug user from grinding his or her teeth while under the influence of the drug.

-
2. Dust Masks and Vicks VapoRub® - The masks are worn on the face and are lined with VapoRub® to enhance the effects of Ecstasy.
 3. Glow sticks - The swirling light emitted by the glow stick enhances the effect of Ecstasy.

(For illustrations regarding the above mentioned paraphernalia see Appendix B1.)

May 15, 2002, PUBLIC HEARING

The committee held a public hearing in Austin, Texas on May 15, 2002, to allow the public the opportunity to testify on the issue. The following people testified before the committee:

<u>NAME</u>	<u>REPRESENTING</u>	<u>STANCE</u>
Tom Dixon	Texas Alcoholic Beverage Commission	On
Joseph Longway	Texas Department of Public Safety	On
Dave Wanser	Texas Commission on Alcohol and Drug Abuse	On

CONCLUSION

The State of Texas has a major problem with drug use by teens and young adults. The general public is being deceived by the promotion and the implementation of these “RAVE” parties. These parties are not safe since they are a place where major drug use and drug distribution occurs. The Texas Legislature needs to give law enforcement officers the tools to educate the public and give them the ability to shut these parties down.

RECOMMENDATIONS

1. The Committee recommends that the Texas Department of Public Safety implement a “RAVE” party awareness program within our schools and rural communities. Parent Teacher Associations, Lions Clubs, Kiwanis Clubs,

local governmental entities, and other civic organizations should be briefed on the dangers of these parties and the harm they can cause to our youth.

2. The Committee recommends a reduction in the minimum weight amount required to prosecute an offender for a drug trafficking offense, in relation to ecstasy or other drugs in the same class.
3. The Committee recommends that laws should be passed to allow law enforcement agencies to have probable cause to search a person if he or she is in possession of paraphernalia that is consistent with ecstasy drug use. The ability to use these items as probable cause may only be used while an investigation into a “RAVE” party is transpiring.
4. The Committee recommends a change in the Health and Safety Code. Chapter 751 is the “Mass Gathering” section. "Mass gathering" means a gathering that is held outside the limits of a municipality and that attracts or is expected to attract more than 5,000 persons who will remain at the meeting location for more than five continuous hours. We believe that the number of attendees should be reduced. By doing so, this will give our local governmental entities more power to shut down “RAVE” parties in areas that do not have city or county ordinances.

EVALUATION OF STATE EMERGENCY PLANNING AND PREPAREDNESS FOR MAJOR DISASTERS

CHARGE: Gather information related to state and local emergency planning and preparedness for major disasters, including emergency warning systems and large-scale evacuation planning. Determine whether legislation is needed to protect life and property and to detect, interdict and respond to acts of terrorism.

BACKGROUND

The attack that occurred on September 11, 2001, has warranted an in depth study of Texas' preparedness for a large scale terrorist attack and natural disasters.

Currently, the State of Texas is much further along in its preparedness than the other 49 states. We have a solid base of communication and our ability to protect life and property is on track, but there are some areas that need improvement.

ANALYSIS

911 Emergency Call System

Citizens rely on 9-1-1 to reach assistance in times of individual crisis or major disaster and 9-1-1 programs are well established in Texas. However, the infrastructure that supports existing 9-1-1 systems was built using a business case that assumed a less hostile threat environment and emphasized least cost. The result is a supporting network that is effective and efficient, but lacks redundancy and diversity. Large portions of the network are vulnerable to failure due to the malfunction or destruction of a single component or sub-system. Failure of any one of those could result in loss of 9-1-1 service for a large portion of the population. New York City relies on a more redundant and diverse system to support their 9-1-1 service. As a result, despite the destruction of key 9-1-1 sub-systems in the World Trade Center terrorist attack, much of the rest of the city continued to have 9-1-1 service. Re-engineering of the Texas network is required to make the network more redundant and diverse and mitigate this risk.

One of the most significant trends in telecommunications today is the migration of telephone service from wireline to wireless devices. That trend has provided citizens with increased convenience and access to 9-1-1, while decreasing the level of service. Unlike wireline, wireless calls do not automatically provide caller location information to the call taker. Call takers now must devote critical time to questioning wireless 9-1-1 callers to determine their location. Wireless calls take additional time and in turn result in decreased system capacity. Sometimes callers do not know their location, possibly making a life or death difference. New technologies are now available that can provide emergency location information from wireless phones. Supporting systems need to be put in place to deliver and display emergency locating information to call takers.

Statewide Emergency Alert System

The warning organization includes three levels. First, is the State Warning Point, which is located at the State Emergency Operating Center (EOC). Second, are the Area Warning centers that include the thirty-five Department of Public Safety (DPS) Communication Centers located throughout the State. Third, are the local Warning points, which is typically the Sheriff's office, Police Department,

or a consolidation communication center at the local level.

The State warning system includes four major components: the Texas Warning System (TEWAS), the Texas Law Enforcement Telecommunications System (TLETS), Intercity and Interagency Radio, and the Emergency Alert System (EAS).

The TEWAS system is a twenty-four hour, state level, dedicated, multiple telephone line system. Each Area Warning Center is on the TEWAS network along with the National Weather Service (NWS) forecast offices and the United States Department of Energy's Amarillo Area Office. TEWAS is the warning network's primary "voice only" system.

The TLETS system is the statewide telecommunications network connecting the State Warning Point with city, county, state, federal, and military law enforcement and criminal justice agencies in Texas. TLETS is the warning network's primary "textual copy" system.

Intercity and Interagency Radio are the statewide VHF band radio frequencies used to conduct 2-way communications, in support of mutual aid agreements, connecting an Area Warning Center with city, county, state, federal, and military law enforcement and criminal justice agencies in Texas.

EAS is a system of procedures and hardware that allows designated federal, state, and local officials to access commercial radio and television (including cable) stations/systems to warn the public of emergency situations and provide instructions on how to respond to the emergency. Broadcast media must disseminate national warning messages; they broadcast state and local warning messages at their discretion.

At the national level, EAS messages will be sent to two primary Entry Point stations, KTRH Houston and WBAP-Fort Worth/Dallas, for further transmission to other stations.

At the State level, EAS messages will be disseminated via phone/fax to the NWS and via phone to KTRH and WBAP for further dissemination throughout the State.

Currently, DPS is working with the Chair of the State Emergency Communications Committee to investigate the possibility of disseminating EAS messages over the DPS satellite system.

At the local level, capabilities vary. Many local governments provide warning through outdoor siren systems or by providing EAS messages for broadcast on local radio and television stations/systems and/or over National Oceanic & Atmospheric Administration (NOAA) weather radios. The NWS NOAA weather radio program entails transmitting watch and/or warning information from a NWS office to tone-activated radios, which are located in residences and public buildings.⁵

Open Records and Access to Sensitive Information

Access to sensitive information and records are a major concern for the State of Texas. The Open Government Act (Texas Government Code, Chapter 552) was enacted to make it easier for the general public to access governmental records and documents. Over the past several years,

government agencies across the state have been assessing our vulnerability to natural disasters and more recently, to terrorist attacks. Done properly, these assessments provide officials with guides to correcting deficiencies, developing response plans and ensuring that critical infrastructure and services are protected from harm. Unfortunately, these assessments, if publicly disclosed, can provide a roadmap for persons or groups intent on destroying governmental facilities, disrupting government services and, in some cases, causing injury or death. Such assessments are now available upon request under provisions on the Open Government Act.

In addition to the assessments, other critical information is available which has the same potential to be used against the interests of governments and their constituents. This includes items such as: detailed engineering drawings of facilities such as dams, power plants and governmental buildings; detailed response plans and procedures; and network diagrams for information management and telecommunications systems.

Mutual Aide Compacts

Historically, local governments have entered into mutual aid agreements with neighboring entities. Most of these agreements have been developed pursuant to the provisions of the Interlocal Cooperation Act. While such agreements enhance fiscal efficiency by providing a greater pool of available resources to deal with extraordinary circumstances, there are limitations to this approach.

There are at least two drawbacks to the current system. First, it requires that multiple agreements be executed. This is often a time-consuming process. Second, such agreements are generally executed with neighboring jurisdictions, which works well for localized events, but does little to assure that outside assistance will be available in widespread events affecting multiple jurisdictions.

Federal legislation, the Emergency Management Assistance Compact (EMAC), created a mutual aid framework by which participating states could request and provide assistance to other states. It avoided the need for separate state-to-state agreements and established a uniform system for requesting assistance, providing resources in response to a request and tracking costs.

A Texas version of this approach would allow local governments who decided to participate, to join the compact by a single action of its governing body. With such a compact in place, assistance would be available from both neighboring and distant jurisdictions. This would increase the flexibility of local officials in preparing for and responding to major emergencies. There would be some administrative costs associated with establishing and coordinating this activity, but these costs would be overshadowed by the cost savings to taxpayers resulting from avoiding duplication of resources.

April 3, 2002, PUBLIC HEARING

The committee held a public hearing in Austin, Texas on April 3, 2002, to allow the public the opportunity to testify on the issue. The following people testified before the committee:

<u>NAME</u>	<u>REPRESENTING</u>	<u>STANCE</u>
Ann Arnold	Texas Association of Broadcasters	On
Larry Beaulieu	Texas Association of Broadcasters	On
Jerry Bobo	Texas State Network	On
Patricia Bradbury	Self	On
Steve Collier	Emergency Management Association of Texas	On
Paul Mallett	Commission on State Emergency Communications	On
Tom Millwee	DPS - Division of Emergency Management/Director	On
Noe Perez	Self and Constable Mike Barberera, Cameron County	On
Spencer Reid	General Land Office	On

CONCLUSION

Overall, the State of Texas is moving in the right direction in regard to our public safety. To obtain our goals we have to make sure communication between federal, state, and local officials is maintained. Sharing of information is the major component of our success.

The Committee does acknowledge citizens right to have access to their government and their public records, but the infrastructure of our public utilities is a necessity of our everyday lives. These facilities should be well protected, and the State of Texas should limit public knowledge of their design and capabilities.

RECOMMENDATIONS

1. The Committee recommends that the State of Texas fund the re-engineering of the network supporting 9-1-1 to increase redundancy and diversity. The

Committee recommends this project be funded by statewide 9-1-1 program service fees and surcharges previously collected, but not expended . These funds are being held in dedicated accounts and should be used for this purpose.

2. The Committee recommends that the State of Texas upgrade the 9-1-1 equipment and systems to permit receipt and display of wireless emergency location information. The Committee recommends this project be funded by statewide 9-1-1 program service fees and surcharges previously collected, but not expended. These funds are being held in dedicated accounts and should be used for this purpose.
3. The Committee recommends that the Department of Public Safety and the Broadcast media should explore the possibility of cooperative funding for the purpose of disseminating EAS messages over the DPS satellite system. The available leased satellite space, which DPS has contracted with the Hughes Corporation, should be taken into consideration in this recommendation.
4. The Committee recommends that the Open Government Act be amended to allow officials to deny access to certain, carefully defined classes of information such as detailed engineering drawings of facilities such as dams, power plants and governmental buildings; detailed response plans and procedures; and network diagrams for information management and telecommunications systems.
5. The Committee recommends that the State of Texas enact a version of the Emergency Management Assistance Compact (EMAC).

EVALUATE THE USE OF ADVANCED TECHNOLOGIES BY LOCAL LAW ENFORCEMENT AGENCIES

CHARGE: Examine the use of advanced technologies by local law enforcement offices, including various forms of high-tech surveillance. Consider the dilemmas that exist between effective law enforcement and government encroachment into citizens' private lives.

BACKGROUND

In the United States, no other form of identification is as ubiquitous as the driver's license. For most Americans, it is the only form of photo identification that they carry. While passports and national ID cards are the predominant forms of identification in much of the rest of the world, state issued drivers' licenses are nearly universally accepted as valid ID throughout the U.S.

The importance of reliable and secure driver's licenses is further underscored by the tragic events of September 11, 2001. In fact, the licensing process has received scrutiny following the terrorist attacks and many states are examining ways to improve the application process to eliminate identity theft and fraud. State lawmakers across the nation are introducing legislation in an effort to deter fraudulent activity by improving technology and cracking down on counterfeit licenses.

In Texas, the Department of Public Safety's primary initiative is a comprehensive plan to resolve current driver license system failures, while implementing identification security solutions throughout the issuance process. Re-engineering of the driver license system will replace failing hardware in the driver license offices, rewrite programs driving the issuance system, improve processing efficiency, and provide enhanced security features. In response to the growing threat of identity fraud, this initiative integrates programming capable of identity authentication with hardware designed to impart the greatest security provisions across the spectrum of existing and proven technology.

ANALYSIS

Driver License Initiative: Verification

Social Security Number Verification Program

The Social Security Administration (SSA) provides social security number (SSN) verification services to states for the purpose of establishing the identities of applicants for, and holders of, driver license and identification cards. The Driver License Division is in the process of entering into a Memorandum of Agreement with the SSA to verify SSN's on existing commercial driver license records. This service is only available through the SSA in a batch-processing mode and verification from the SSA can take thirty days for a response. On-line services to verify SSNs are available via a contract with the American Association of Motor Vehicle Administrators (AAMVA) via a secondary connection with the SSA. While on-line service costs exceed that of batch-processing, and current system upgrades would be necessary to receive this service, the advantages of immediate verification at the time of issuance is paramount to reducing fraud. In Texas there are over 16 million records with unverified social security numbers.

Remote Birth Access Program

The Texas Department of Health (TDH), Bureau of Vital Statistics, provides on-line verification services for the purpose of verifying the authenticity of a Texas issued birth certificate. Through a contract with TDH, driver license personnel would have the opportunity to verify, at the time of original issuance, Texas birth certificates presented as proof of identity. Costs for this service are based on usage.

Driver License Initiative: Biometrics

Facial Recognition

Facial recognition is one of the more promising biometric technologies being pursued to combat driver license fraud. This technology uses the structures of an individual's face - such as the width between the eyes, forehead depth and nose length - to assign mathematical points of reference to facial construction. The landscape of the face is translated into an algorithm, much like fingerprint minutiae mapping, creating a facial template that is unique to the individual. The system works from a standard digitized image, which is non-invasive and unique to the applicant. Images are stored on a dedicated image server, ensuring restricted access and protection of applicant privacy. Facial recognition has proven effective in identifying and verifying driver license applicants. When an applicant's request for a driver license or ID card transaction is processed, the most recent stored image is compared to the new image captured at the time of issuance, validating applicant identity and preventing fraudulent issues. Once the applicant's facial template is stored, the image can be compared to other images in the database to identify any potential records which have like images. This technology can also be used to verify if a new license applicant is currently in the database under a different identity.

Facial recognition technology empowers law enforcement with probe image comparisons. As part of normal operations, hundreds of images may be submitted to the facial recognition system each day. For each input image, a search results in a list of possible matches. These candidates are ranked according to their similarity to the input image. Since a potentially huge amount of data is generated each day, DPS investigators will manage and review daily batches via a user interface.

To reduce the quantity of information that an investigator must review, a system-wide threshold is set to create a "hot list". Only input images producing results above the threshold are retained for review. The investigator then has a much smaller collection of input images and possible duplicates to inspect.

After viewing a summary, the investigator may perform a more detailed review displaying all the candidates and the probe image side by side. Demographic information may also be retrieved and displayed to further assist in determining the disposition of the probe image. This law enforcement tool is effective in identifying both unknown individuals and fraudulent identities. It is effective despite variance in hair styles and expressions, yielding reliable matches and expediting investigative action.

Thumbprint Comparison

Enhanced thumbprint capture software analyzes the quality of the print and indicates to the operator the acceptability of the image prior to the applicant leaving the office. For example, if the thumbprint is too light or too dark or if the thumb is incorrectly positioned on the device, the workstation alerts the operator to recapture the print. When the thumbprint image analysis software

indicates that the captured print is acceptable, the system allows the operator to store the captured image. This enhanced quality checking software offers one-to-one thumbprint comparison at the workstation to verify the identity of each person as they renew their driver license or ID card.

Driver License Initiative: Enforcement

Fraud Task Force

A Fraud Task Force, within the Driver License Division, may be charged with continually reviewing areas of vulnerability and, in turn, strengthening internal controls to routinely monitor, and evaluate issuance policies and procedures. A complementary component to these charges is the routine training and education of employees in the recognition of fraudulent documents. The Task Force will promote a proactive approach to the investigation and enforcement of both internal and external criminal activity in order to diminish identity theft. Extensive and lengthy investigations involving fraudulent and counterfeit documents, cases of identity theft and suspected incidents of employee misconduct involving the tampering of documents will be conducted by the Task Force.⁶

CONCLUSION

The committee recognizes our individual right to privacy. We feel that the following recommendations are crucial to the well being of the citizens of the State of Texas. The use of this technology should only be used by the Department of Public Safety to continue the protection of life and property. The Committee also believes that the information gained by the use of this technology should not be sold or seen by anyone outside of the Department of Public Safety.

RECOMMENDATIONS

1. The Committee recommends that the Department of Public Safety implement the “Social Security Number Verification Program.”

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2. The Committee recommends that the Department of Public Safety implement the “Remote Birth Access Program.”
 3. The Committee recommends that the Department of Public Safety implement the “Facial Recognition Program.”
 4. The Committee recommends that the Department of Public Safety implement the “Thumb Print Comparison Program.”
 5. The Committee recommends that the Department of Public Safety implement the “Fraud Task Force.”

APPENDIX A

APPENDIX A1

APPENDIX A2

APPENDIX A3

APPENDIX A4

APPENDIX B

APPENDIX B1

APPENDIX B2

ENDNOTES

1. Texan's For Gun Safety literature.
2. National Rifle Association literature.
3. State of Texas, House Journal, 74th Regular Legislative Session, p.1620.
4. Texas Department of Public Safety Narcotics Services, " 'RAVE' Event-Club Drug Information Report", p. 2.
5. Texas Department of Public Safety, Division of Emergency Management literature.
6. Texas Department of Public Safety, literature.

Representative Phil King was not available to sign the committee report.

Representative Mike Villarreal did not attend any interim committee hearings.