

By: Krause, Gates

H.B. No. 4355

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to providing children committed to the Texas Juvenile  
3 Justice Department and prisoners serving a sentence in a county  
4 jail with certain documents on discharge or release; authorizing a  
5 fee.

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

7 SECTION 1. Subchapter B, Chapter 245, Human Resources Code,  
8 is amended by adding Sections 245.0536 and 245.0537 to read as  
9 follows:

10 Sec. 245.0536. PROVIDING RELEASED OR DISCHARGED CHILD WITH  
11 STATE-ISSUED IDENTIFICATION. (a) Before releasing a child under  
12 supervision or finally discharging a child, the department shall:

13 (1) determine whether the child has:

14 (A) a valid license issued under Chapter 521,  
15 Transportation Code; or

16 (B) a valid personal identification certificate  
17 issued under Chapter 521, Transportation Code; and

18 (2) if the child does not have a valid license or  
19 certificate described by Subdivision (1), submit to the Department  
20 of Public Safety on behalf of the child a request for the issuance  
21 of a personal identification certificate under Chapter 521,  
22 Transportation Code.

23 (b) The department shall submit a request under Subsection  
24 (a)(2) on intake of the child to enable the department to provide

1 the child with the personal identification certificate when the  
2 department releases or discharges the child.

3 (c) The department, the Department of Public Safety, and the  
4 vital statistics unit of the Department of State Health Services  
5 shall adopt a memorandum of understanding that establishes their  
6 respective responsibilities with respect to the issuance of a  
7 personal identification certificate to a child, including  
8 responsibilities related to verification of the child's identity.  
9 The memorandum of understanding must require the Department of  
10 State Health Services to electronically verify the birth record of  
11 a child whose name and any other personal information is provided by  
12 the department and to electronically report the recorded filing  
13 information to the Department of Public Safety to validate the  
14 identity of a child under this section.

15 (d) The department shall reimburse the Department of Public  
16 Safety or the Department of State Health Services for the actual  
17 costs incurred by those agencies in performing responsibilities  
18 established under this section. The department may charge a child  
19 or the child's parent or guardian for the actual costs incurred  
20 under this section or the fees required by Section 521.421,  
21 Transportation Code.

22 (e) This section does not apply to a child who:  
23 (1) is not legally present in the United States; or  
24 (2) was not a resident of this state before the child  
25 was placed in the custody of the department.

26 Sec. 245.0537. PROVIDING RELEASED OR DISCHARGED CHILD WITH  
27 BIRTH CERTIFICATE AND SOCIAL SECURITY CARD. (a) In addition to

1 complying with the requirements of Section 245.0536, before  
2 releasing a child under supervision or finally discharging a child,  
3 the department must:

4 (1) determine whether the child has a:

5 (A) certified copy of the child's birth  
6 certificate; and

7 (B) copy of the child's social security card; and

8 (2) if the child does not have a document described by  
9 Subdivision (1), submit to the appropriate entity on behalf of the  
10 child a request for the issuance of the applicable document.

11 (b) The department shall submit a request under Subsection  
12 (a)(2) on intake of the child to enable the department to provide  
13 the child with the applicable document when the department releases  
14 or discharges the child.

15 (c) This section does not apply to a child who:

16 (1) is not legally present in the United States; or

17 (2) was not a resident of this state before the child  
18 was placed in the custody of the department.

19 SECTION 2. Subchapter C, Chapter 351, Local Government  
20 Code, is amended by adding Sections 351.048 and 351.049 to read as  
21 follows:

22 Sec. 351.048. PROVIDING DISCHARGED PRISONER WITH  
23 STATE-ISSUED IDENTIFICATION. (a) Before discharging a prisoner  
24 serving a sentence in a county jail, the sheriff of the county  
25 shall:

26 (1) determine whether the prisoner has:

27 (A) a valid license issued under Chapter 521 or

1 522, Transportation Code; or

2 (B) a valid personal identification certificate  
3 issued under Chapter 521, Transportation Code; and

4 (2) if the prisoner does not have a valid license or  
5 certificate described by Subdivision (1), submit to the Department  
6 of Public Safety on behalf of the prisoner a request for the  
7 issuance of a personal identification certificate under Chapter  
8 521, Transportation Code.

9 (b) The sheriff shall submit a request under Subsection  
10 (a)(2) on intake of the prisoner to enable the sheriff to provide  
11 the prisoner with the personal identification certificate when the  
12 prisoner is discharged from the county jail.

13 (c) The Commission on Jail Standards, the Department of  
14 Public Safety, and the vital statistics unit of the Department of  
15 State Health Services shall adopt a memorandum of understanding  
16 that establishes the respective responsibilities of a sheriff, the  
17 Department of Public Safety, and the Department of State Health  
18 Services with respect to the issuance of a personal identification  
19 certificate to a prisoner serving a sentence in a county jail,  
20 including responsibilities related to verification of the  
21 prisoner's identity. The memorandum of understanding must require  
22 the Department of State Health Services to electronically verify  
23 the birth record of a prisoner whose name and any other personal  
24 information is provided by the sheriff and to electronically report  
25 the recorded filing information to the Department of Public Safety  
26 to validate the identity of a prisoner under this section.

27 (d) The sheriff or commissioners court of the county shall

1 reimburse the Department of Public Safety or the Department of  
2 State Health Services for the actual costs incurred by those  
3 agencies in performing responsibilities established under this  
4 section. The sheriff may charge a prisoner for the actual costs  
5 incurred under this section or the fees required by Section  
6 521.421, Transportation Code.

7 (e) This section does not apply to a prisoner who:

8 (1) is not legally present in the United States; or

9 (2) was not a resident of this state before the

10 prisoner was placed in the custody of the sheriff.

11 Sec. 351.049. PROVIDING DISCHARGED PRISONER WITH BIRTH  
12 CERTIFICATE AND SOCIAL SECURITY CARD. (a) In addition to complying  
13 with the requirements of Section 351.048, before discharging a  
14 prisoner serving a sentence in a county jail, the sheriff of the  
15 county must:

16 (1) determine whether the prisoner has a:

17 (A) certified copy of the prisoner's birth  
18 certificate; and

19 (B) copy of the prisoner's social security card;  
20 and

21 (2) if the prisoner does not have a document described  
22 by Subdivision (1), submit to the appropriate entity on behalf of  
23 the prisoner a request for the issuance of the applicable document.

24 (b) The sheriff shall submit a request under Subsection  
25 (a)(2) on intake of the prisoner to enable the sheriff to provide  
26 the prisoner with the applicable document when the prisoner is  
27 discharged from the county jail.

1        (c) This section does not apply to a prisoner who:

2                (1) is not legally present in the United States; or

3                (2) was not a resident of this state before the  
4 prisoner was placed in the custody of the sheriff.

5                SECTION 3. Section 521.421(a-1), Transportation Code, is  
6 amended to read as follows:

7                (a-1) The fee for a personal identification certificate or  
8 driver's license issued under Section 501.0165, Government Code,  
9 [~~or~~] Section 841.153, Health and Safety Code, Section 245.0536,  
10 Human Resources Code, Section 351.048, Local Government Code, or  
11 Section 521.1421, Transportation Code, is \$5.

12                SECTION 4. Sections 245.0536 and 245.0537, Human Resources  
13 Code, as added by this Act, apply only to the release under  
14 supervision or final discharge of a child that occurs on or after  
15 December 1, 2021. A release under supervision or final discharge  
16 that occurs before that date is governed by the law in effect  
17 immediately before the effective date of this Act, and the former  
18 law is continued in effect for that purpose.

19                SECTION 5. Sections 351.048 and 351.049, Local Government  
20 Code, as added by this Act, apply only to the discharge of a  
21 prisoner that occurs on or after December 1, 2021. A discharge that  
22 occurs before that date is governed by the law in effect immediately  
23 before the effective date of this Act, and the former law is  
24 continued in effect for that purpose.

25                SECTION 6. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this

H.B. No. 4355

1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2021.