

By: Krause

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.

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

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

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

12 (1) determine whether the child has:

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

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

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

22 (b) The department shall submit a request under Subsection
23 (a)(2) as soon as is practicable to enable the department to provide
24 the child with the personal identification certificate when the

1 department releases or discharges the child.

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

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

21 (e) This section does not apply to a child who:

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

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

25 Sec. 245.0537. PROVIDING RELEASED OR DISCHARGED CHILD WITH
26 BIRTH CERTIFICATE AND SOCIAL SECURITY CARD. (a) In addition to
27 complying with the requirements of Section 245.0536, before

1 releasing a child under supervision or finally discharging a child,
2 the department must:

3 (1) determine whether the child has a:

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

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

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

10 (b) The department shall submit a request under Subsection
11 (a)(2) as soon as is practicable to enable the department to provide
12 the child with the applicable document when the department releases
13 or discharges the child.

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

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

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

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

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

25 (1) determine whether the prisoner has:

26 (A) a valid license issued under Chapter 521 or
27 522, Transportation Code; or

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

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

8 (b) The sheriff shall submit a request under Subsection
9 (a)(2) as soon as is practicable to enable the sheriff to provide
10 the prisoner with the personal identification certificate when the
11 prisoner is discharged from the county jail.

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

26 (d) The sheriff or commissioners court of the county shall
27 reimburse the Department of Public Safety or the Department of

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

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

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

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

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

15 (1) determine whether the prisoner has a:

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

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

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

23 (b) The sheriff shall submit a request under Subsection
24 (a)(2) as soon as is practicable to enable the sheriff to provide
25 the prisoner with the applicable document when the prisoner is
26 discharged from the county jail.

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

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

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

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

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

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

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

23 SECTION 6. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2021.