

By: Nelson, et al.
(Neave)

S.B. No. 798

A BILL TO BE ENTITLED

AN ACT

relating to the issuance of a birth record, driver's license, or personal identification certificate to victims and the children of victims of family or dating violence.

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

SECTION 1. Subchapter A, Chapter 191, Health and Safety Code, is amended by adding Section 191.00491 to read as follows:

Sec. 191.00491. BIRTH RECORD ISSUED TO VICTIMS AND CHILDREN OF VICTIMS OF DATING OR FAMILY VIOLENCE. On request of an individual described by this section, the state registrar, a local registrar, or a county clerk shall issue, without payment of a fee, a certified copy of the individual's birth record to:

(1) a victim of dating violence as defined by Section 71.0021, Family Code;

(2) a victim of family violence as defined by Section 51.002, Human Resources Code; or

(3) a child of a victim described by Subdivision (1) or (2).

SECTION 2. Subchapter E, Chapter 521, Transportation Code, is amended by adding Section 521.1016 to read as follows:

Sec. 521.1016. PERSONAL IDENTIFICATION CERTIFICATE ISSUED TO VICTIMS AND CHILDREN OF VICTIMS OF DATING OR FAMILY VIOLENCE.

(a) In this section:

(1) "Advocate" has the meaning assigned by Section

1 93.001, Family Code.

2 (2) "Victim of dating violence" means the victim of
3 violence described by Section 71.0021, Family Code.

4 (3) "Victim of family violence" has the meaning
5 assigned by Section 51.002, Human Resources Code.

6 (b) This section applies to the application for a personal
7 identification certificate only for a victim of dating violence, a
8 victim of family violence, or the child of a victim of dating or
9 family violence.

10 (c) Notwithstanding Section 521.101, Section 521.1426, or
11 any other provision of this chapter, an individual described by
12 Subsection (b) may, in applying for a personal identification
13 certificate:

14 (1) provide a copy of the individual's birth
15 certificate as proof of the individual's identity and United States
16 citizenship, as applicable; and

17 (2) if the individual does not have a residence or
18 domicile, provide a letter certifying the individual is homeless
19 issued by:

20 (A) an advocate;

21 (B) a licensed mental health services provider
22 who examined and evaluated the individual; or

23 (C) the director of an emergency shelter or
24 transitional housing program funded by the United States Department
25 of Housing and Urban Development or through the Victims of Crime Act
26 of 1984 (Title II, Pub. L. No. 98-473).

27 (d) The department shall exempt an individual described by

1 Subsection (b) from the payment of any fee for the issuance of a
2 personal identification certificate under this chapter, subject to
3 Section 521.4265.

4 SECTION 3. Section 521.1811, Transportation Code, is
5 amended to read as follows:

6 Sec. 521.1811. WAIVER OF FEES FOR FOSTER CHILD OR YOUTH,
7 ~~[OR]~~ HOMELESS CHILD OR YOUTH, OR VICTIM OR CHILD OF VICTIM OF DATING
8 OR FAMILY VIOLENCE. A person is exempt from the payment of any fee
9 for the issuance of a driver's license, as provided under this
10 chapter, if that person is:

11 (1) younger than 18 years of age and in the managing
12 conservatorship of the Department of Family and Protective
13 Services;

14 (2) at least 18 years of age, but younger than 21 years
15 of age, and resides in a foster care placement, the cost of which is
16 paid by the Department of Family and Protective Services; ~~[or]~~

17 (3) a homeless child or youth as defined by 42 U.S.C.
18 Section 11434a;

19 (4) a victim of dating violence as defined by Section
20 71.0021, Family Code;

21 (5) a victim of family violence as defined by Section
22 51.002, Human Resources Code; or

23 (6) a child of a victim described by Subdivision (4) or
24 (5).

25 SECTION 4. Sections 521.4265(b) and (c), Transportation
26 Code, are amended to read as follows:

27 (b) For each exemption granted under Section 521.1015,

1 521.1016, or 521.1811, the department shall deposit to the credit
2 of the Texas mobility fund an amount from the identification fee
3 exemption account under Subsection (a) that is equal to the amount
4 of the waived fee that would otherwise be deposited to the mobility
5 fund.

6 (c) The department may not grant an exemption under Section
7 521.1015, 521.1016, or 521.1811 if money is not available in the
8 identification fee exemption account to meet the requirements of
9 Subsection (b).

10 SECTION 5. The changes in law made by this Act apply to an
11 application for a birth record, driver's license, or personal
12 identification certificate submitted on or after the effective date
13 of this Act. An application for a birth record, driver's license,
14 or personal identification certificate submitted before the
15 effective date of this Act is governed by the law in effect on the
16 date the application was submitted, and the former law is continued
17 in effect for that purpose.

18 SECTION 6. This Act takes effect September 1, 2021.