

AN ACT

relating to the authority of certain county and district clerks to obtain and retain information that identifies a person filing a document or requesting services.

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

SECTION 1. Section 191.010(b), Local Government Code, is amended to read as follows:

(b) A county clerk in a county that allows for electronic filing of documents in the real property records of the county [~~with a population of 800,000 or more~~] may require a person presenting a document in person for filing in the real property records [~~of the county~~] to present a photo identification to the clerk. The clerk may copy the photo identification or record information from the photo identification. The clerk may not charge a person a fee to copy or record the information from a photo identification.

SECTION 2. Section 191.011, Local Government Code, is amended by amending Subsections (b) and (d) and adding Subsection (b-1) to read as follows:

(b) A county clerk or district clerk in a county that allows for electronic filing or recording of documents or other instruments [~~with a population of 3.3 million or more~~] may require an individual to present photo identification and copy or record identifying information, including a document on which the information is viewable, if the [~~regarding an~~] individual [~~who~~]:

1 (1) presents a document or other instrument for filing
2 or recording to the county clerk or district clerk; or

3 (2) requests or obtains an ex officio service or other
4 public service provided by the county clerk or district clerk.

5 (b-1) A county clerk or district clerk who requires an
6 individual to present photo identification under Subsection (b) may
7 not accept a document or other instrument for filing or recording if
8 the individual presents the document or other instrument in person
9 and does not have or refuses to provide a photo identification.

10 (d) Except as otherwise required or authorized by law, a
11 county clerk or district clerk may not[+]

12 ~~[(1) refuse to file or record a document or other~~
13 ~~instrument or refuse to provide a public service on the ground that~~
14 ~~an individual described by Subsection (b) does not have or refuses~~
15 ~~to provide identifying information; or~~

16 ~~[(2)]~~ charge a fee to copy or record identifying
17 information.

18 SECTION 3. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I certify that H.B. No. 1195 was passed by the House on April 20, 2023, by the following vote: Yeas 145, Nays 1, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1195 on May 19, 2023, by the following vote: Yeas 140, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1195 was passed by the Senate, with amendments, on May 17, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor