

By: Campos

H.B. No. 1428

A BILL TO BE ENTITLED

AN ACT

relating to providing prisoners serving a sentence in a county jail with certain documents on discharge.

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

SECTION 1. Subchapter C, Chapter 351, Local Government Code, is amended by adding Sections 351.049 and 351.050 to read as follows:

Sec. 351.049. PROVIDING DISCHARGED PRISONER WITH STATE-ISSUED IDENTIFICATION. (a) Before discharging a prisoner serving a sentence in a county jail, the sheriff of the county shall:

(1) determine whether the prisoner has:

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

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

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

(b) The sheriff shall submit a request under Subsection (a)(2) as soon as is practicable to enable the sheriff to provide the prisoner with the personal identification certificate when the

1 prisoner is discharged from the county jail.

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

16 (d) The sheriff or commissioners court of the county shall  
17 reimburse the Department of Public Safety or the Department of  
18 State Health Services for the actual costs incurred by those  
19 agencies in performing responsibilities established under this  
20 section. The sheriff may not charge a prisoner any fee relating to  
21 the costs incurred under this section.

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

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

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

26 Sec. 351.050. PROVIDING DISCHARGED PRISONER WITH BIRTH  
27 CERTIFICATE AND SOCIAL SECURITY CARD. (a) In addition to

1 complying with the requirements of Section 351.049, before  
2 discharging a prisoner serving a sentence in a county jail, the  
3 sheriff of the county must:

4 (1) determine whether the prisoner has a:

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

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

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

12 (b) The sheriff shall submit a request under Subsection  
13 (a)(2) as soon as is practicable to enable the sheriff to provide  
14 the prisoner with the applicable document when the prisoner is  
15 discharged from the county jail.

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

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

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

20 SECTION 2. The change in law made by this Act applies only  
21 to the discharge of a prisoner that occurs on or after December 1,  
22 2023. A discharge that occurs before that date is governed by the  
23 law in effect immediately before the effective date of this Act, and  
24 the former law is continued in effect for that purpose.

25 SECTION 3. 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

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1 Act does not receive the vote necessary for immediate effect, this  
2 Act takes effect September 1, 2023.