

By: Plesa

H.B. No. 1965

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. Section 245.0536(b), Human Resources Code, is
8 amended to read as follows:

9 (b) The department shall submit a request under Subsection
10 (a)(2) on intake of the child [~~as soon as is practicable~~] to enable
11 the department to receive the personal identification certificate
12 before the department releases or discharges the child and to
13 provide the child with the personal identification certificate when
14 the department releases or discharges the child.

15 SECTION 2. Section 245.0537(b), Human Resources Code, is
16 amended to read as follows:

17 (b) The department shall submit a request under Subsection
18 (a)(2) on intake of the child [~~as soon as is practicable~~] to enable
19 the department to receive the applicable document before the
20 department releases or discharges the child and to provide the
21 child with the applicable document when the department releases or
22 discharges the child.

23 SECTION 3. Subchapter C, Chapter 351, Local Government
24 Code, is amended by adding Sections 351.049 and 351.050 to read as

1 follows:

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

5 (1) determine whether the prisoner has:

6 (A) a valid license issued under Chapter 521 or
7 522, Transportation Code; or

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

10 (2) if the prisoner does not have a valid license or
11 certificate described by Subdivision (1), submit to the Department
12 of Public Safety on behalf of the prisoner a request for the
13 issuance of a personal identification certificate under Chapter
14 521, Transportation Code.

15 (b) The sheriff shall submit a request under Subsection
16 (a)(2) on intake of the prisoner to enable the sheriff to provide
17 the prisoner with the personal identification certificate when the
18 prisoner is discharged from the county jail.

19 (c) The Commission on Jail Standards, the Department of
20 Public Safety, and the vital statistics unit of the Department of
21 State Health Services shall adopt a memorandum of understanding
22 that establishes the respective responsibilities of a sheriff, the
23 Department of Public Safety, and the Department of State Health
24 Services with respect to the issuance of a personal identification
25 certificate to a prisoner serving a sentence in a county jail,
26 including responsibilities related to verification of the
27 prisoner's identity. The memorandum of understanding must require

1 the Department of State Health Services to electronically verify
2 the birth record of a prisoner whose name and any other personal
3 information is provided by the sheriff and to electronically report
4 the recorded filing information to the Department of Public Safety
5 to validate the identity of a prisoner under this section.

6 (d) The sheriff or commissioners court of the county shall
7 reimburse the Department of Public Safety or the Department of
8 State Health Services for the actual costs incurred by those
9 agencies in performing responsibilities established under this
10 section. The sheriff may charge a prisoner for the actual costs
11 incurred under this section or the fees required by Section
12 521.421, Transportation Code.

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

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

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

17 Sec. 351.050. PROVIDING DISCHARGED PRISONER WITH BIRTH
18 CERTIFICATE AND SOCIAL SECURITY CARD. (a) In addition to complying
19 with the requirements of Section 351.049, before discharging a
20 prisoner serving a sentence in a county jail, the sheriff of the
21 county must:

22 (1) determine whether the prisoner has a:

23 (A) certified copy of the prisoner's birth
24 certificate; and

25 (B) copy of the prisoner's social security card;
26 and

27 (2) if the prisoner does not have a document described

1 by Subdivision (1), submit to the appropriate entity on behalf of
2 the prisoner a request for the issuance of the applicable document.

3 (b) The sheriff shall submit a request under Subsection
4 (a)(2) on intake of the prisoner to enable the sheriff to provide
5 the prisoner with the applicable document when the prisoner is
6 discharged from the county jail.

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

13 (a-1) The fee for a personal identification certificate
14 issued under Section 501.0165, Government Code, Section 841.153,
15 Health and Safety Code, [~~or~~] Section 245.0536, Human Resources
16 Code, or Section 351.049, Local Government Code, or for a driver's
17 license under Section 521.1421 of this code is \$5.

18 SECTION 5. Sections 351.049 and 351.050, Local Government
19 Code, as added by this Act, apply only to the discharge of a
20 prisoner that occurs on or after December 1, 2023. A discharge that
21 occurs before that date is governed by the law in effect immediately
22 before the effective date of this Act, and the former law is
23 continued in effect for that purpose.

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

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1 Act takes effect September 1, 2023.