

## **BILL ANALYSIS**

H.B. 1604  
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State Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The Matricula Consular is a card issued to Mexican citizens by Mexican consular offices in the United States and elsewhere. The card is available to any Mexican citizen living outside Mexico, and is especially popular among illegal immigrants since the card is issued without taking immigration status into account. The reliability of the Matricula Consular card as a dependable form of identification is often called into question. The Office of Congressman Gary Miller (R-CA) reported in September 2004 that:

"According to the FBI, Matricula Consular cards are almost exclusively used by illegal aliens. Anyone here legally has valid identity documents they can present to open a bank account, such as driver's licenses, Social Security numbers, or passports."

In testimony given to the House Judiciary Subcommittee in June 2003, Steve McCraw, Assistant Director of the F.B.I.'s Office of Intelligence, and current Texas Homeland Security Director, pointed out that:

"The Government of Mexico issues the card to anyone who can produce a Mexican birth certificate and one other form of identity, including documents of very low reliability. Mexican birth certificates are easy to forge and they are a major item on the product list of the fraudulent document trade currently flourishing across the country and around the world...It is our belief that the primary reason a market for these birth certificates exists is the demand for fraudulently-obtained Matricula Consular cards."

No state agency in Texas should be permitted to accept the card as evidence of a person's identity, a person's immigration status, or as a secondary or supporting proof of a person's identity.

This is particularly important when it comes to applications for driver's licenses, since the driver's license is a form of identification that can be presented at a polling place and used to register to vote. Driver's license holders are also subject to be called for jury service. Ensuring that driver's licenses are not issued to individuals who are unlawfully present in Texas provides a further check that will help prevent non-citizens from voting, from participating on juries, and make certain that only legal residents have access to public benefits.

House Bill 1604 amends several sections of statute so that "an identity document issued to an applicant by a consular office or consular official of another country, including a matricula consular issued by a consular office of the United Mexican States" may not be accepted as proof of identity by state agencies.

This Act prohibits the use of Matricula Consular cards as a form of identification accepted by state agencies to support applications for driver's licenses, public benefits, and public employment.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 1604 80(R)

House Bill 1604 prohibits the use of matricula consular cards as a form of identification accepted by state agencies to support applications for driver's licenses, public benefits, and public employment.

The bill amends the Transportation Code to prohibit the acceptance of an identity document issued to an applicant by a consular office or consular official of another country, including a matricula consular issued by a consular office of the United Mexican States as evidence of identity for driver's license applicants.

H.B. 1604 adds a new chapter to the Government Code titled, "Chapter 2057. Recognition of Consular Identity Documents."

The bill adds Section 2057.001 to the Government Code to prohibit the use of an identity document issued to an applicant by a consular office or consular official of another country, including a matricula consular issued by a consular office of the United Mexican States as evidence of identity for an applicant for public benefit or service.

The bill adds Section 2057.002 of the Government Code to prohibit an identity document issued to an applicant by a consular office or consular official of another country, including a matricula consular issued by a consular office of the United Mexican States as evidence of identity for an applicant for employment by the agency or political subdivision.

#### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.