

By: Rodriguez of Travis

H.B. No. 3301

A BILL TO BE ENTITLED

AN ACT

relating to the recognition of state citizenship and the issuance of state identification cards, driver's licenses, and occupational licenses to state residents regardless of their immigration status.

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

SECTION 1. The heading to Title 11, Government Code, is amended to read as follows:

TITLE 11. STATE SYMBOLS AND HONORS;  
PRESERVATION; CITIZENSHIP

SECTION 2. Title 11, Government Code, is amended by adding Subtitle C to read as follows:

SUBTITLE C. CITIZENSHIP

CHAPTER 3201. STATE CITIZENSHIP

Sec. 3201.001. SHORT TITLE. This Act may be cited as the Texas Is Home Act.

Sec. 3201.002. DEFINITIONS. In this chapter:

(1) "Department" means the Texas Department of Public Safety.

(2) "State citizen" means any individual who satisfies the requirements of Section 3201.006.

(3) "State identification card" means the identification card that a state citizen is eligible to receive and includes a state citizen's state identification number and the card's date of issuance.

1           (4) "State identification number" means the unique  
2 identification number assigned to a state citizen that appears on  
3 the state citizen's state identification card.

4           Sec. 3201.003. STATE CITIZENSHIP. (a) The department  
5 shall administer this chapter. The department must:

6           (1) recognize the state citizenship of any individual  
7 described by Section 3201.006;

8           (2) grant and renew state citizenship to any  
9 individual who meets the criteria provided by Section 3201.006(a);

10           (3) issue a state identification card and state  
11 identification number to a state citizen;

12           (4) renew a state identification card and state  
13 identification number issued to a state citizen who demonstrates  
14 continued satisfaction of the criteria listed under Section  
15 3201.006; and

16           (5) establish, publicize, and administer procedures  
17 to grant state citizenship and issue state identification cards and  
18 state identification numbers.

19           (c) The department shall adopt rules to implement this  
20 chapter.

21           Sec. 3201.004. STATE CITIZENSHIP. State citizenship is a  
22 continuing status that ends when an individual ceases to be a  
23 resident of this state.

24           Sec. 3201.005. EXPIRATION OF CARD AND NUMBER. A state  
25 identification card and state identification number issued under  
26 this chapter are valid until the fifth anniversary of the date of  
27 issuance.

1       Sec. 3201.006. CITIZENSHIP ELIGIBILITY CRITERIA; RECORDS;  
2 CONFIDENTIALITY. (a) An individual, regardless of the  
3 individual's immigration status, is considered to be a state  
4 citizen if the individual:

5           (1) is a resident of this state and a citizen of the  
6 United States; or

7           (2) is determined by the department to satisfy the  
8 following:

9                   (A) has proof of the individual's identity;

10                   (B) has been a resident of this state for not less  
11 than three years;

12                   (C) has pledged to abide by the laws of this state  
13 and to uphold the Texas Constitution; and

14                   (D) has attested to the individual's willingness  
15 to serve on jury duty and to pay any taxes required under state or  
16 local law.

17       (b) The department may not retain originals or copies of  
18 records provided by an applicant for citizenship to prove identity,  
19 residency, or other eligibility requirements of state citizenship.

20       (c) To the extent allowed by federal and state law,  
21 information collected about applicants for state citizenship shall  
22 be treated as confidential and may not be disclosed to governmental  
23 entities or private parties unless the disclosure is:

24           (1) authorized in writing by the individual to whom  
25 the information pertains, or if the individual is a minor or is  
26 otherwise not legally competent, by the individual's parent or  
27 legal guardian; or

1           (2) ordered by a court.

2           Sec. 3201.007. ACCEPTANCE REQUIRED; DENIAL OF ELIGIBILITY  
3 PROHIBITED. (a) Except as otherwise provided by federal law and  
4 notwithstanding other state law, for any statutory or regulatory  
5 requirement that an individual provide a driver's license or social  
6 security number:

7           (1) a state identification card shall be accepted as a  
8 valid government identification in lieu of a state driver's  
9 license; and

10           (2) a state identification number shall be accepted in  
11 lieu of a social security number.

12           (b) Notwithstanding any other local or state law, including  
13 provisions in this code or the Occupations Code or Transportation  
14 Code, a state agency or local governmental entity may not deny the  
15 eligibility of an individual who holds a valid state identification  
16 card for the following licenses because of the individual's lack of  
17 documentation on the individual's federal immigration status:

18           (1) any license, permit, certificate, or grant of  
19 permission that is required by local or state law and issued by a  
20 state agency or a political subdivision of this state as a condition  
21 for the lawful practice of any occupation, employment, trade,  
22 vocation, business, or profession; and

23           (2) a driver's license.

24           Sec. 3201.008. CONSTRUCTION AND EFFECT OF CHAPTER. (a)  
25 This chapter may not be construed as depriving an individual of any  
26 benefit received by the individual under law before September 1,  
27 2015.

1       (b) This chapter does not affect a state citizen's  
2 authorization to work in the United States as provided by the  
3 citizen's federal immigration status. This chapter does not allow  
4 an individual without federal authorization to work in the United  
5 States access to employment opportunities that are otherwise  
6 unavailable to the individual because of the individual's federal  
7 immigration status.

8       Sec. 3201.009. LOCAL LAWS. This chapter does not prevent  
9 the establishment, continuation, or enforcement of any law or  
10 regulation of a political subdivision of this state that protects  
11 the rights or fosters the integration of state citizens in a manner  
12 not inconsistent with the provisions of this chapter.

13       SECTION 3. (a) As soon as practicable after the effective  
14 date of this Act, the department shall adopt the rules and  
15 procedures necessary to implement Chapter 3201, Government Code, as  
16 added by this Act.

17       (b) Not later than March 1, 2016, each state agency and  
18 political subdivision shall:

19               (1) review the agency's or subdivision's rules to  
20 ensure the rules are consistent with Chapter 3201, Government Code,  
21 as added by this Act; and

22               (2) make any necessary changes to the rules.

23       SECTION 4. This Act takes effect September 1, 2015.