

## **BILL ANALYSIS**

Senate Research Center  
85R5387 JSC-F

S.B. 581  
By: Whitmire  
Criminal Justice  
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### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Section 45.103, Family Code, was enacted to prevent felons from changing their name to escape their prison record. Name changes are only allowed two years after release or two years after completing parole. The law has good intentions but it severely penalizes individuals who have used a name other than their birth name for the vast majority of their lives, including school, Social Security card, driver's license, employment, and prison.

A single person, Miss Smith, gives birth to a son and he is named Billy Smith. She meets and marries Mr. Jones three years later and Billy is told he is now Billy Jones. Billy's name is not legally changed to Jones. During his life he uses the name Billy Jones and this is the name he is sentenced to prison under and is the primary criminal name designated by the Department of Public Safety (DPS).

When Billy is released or paroled from incarceration, he has no birth certificate for Jones and, consequently cannot obtain a Texas ID card or driver's license. He is unable to obtain a legitimate job, continue his education, open a bank account, and rent an apartment or much of anything else, including a requirement to register as a sex offender.

S.B. 581 allows an individual to change their birth certificate name to the name they have used the majority of their life and is recorded on several official records, including prison documents.

S.B. 581 preserves the restriction that prevents an individual from changing their name from the name under which they were incarcerated. However, if a former offender is required to obtain a Texas ID this change allows him to do so to change his birth name to conform with his criminal history primary name as assigned by DPS.

As proposed, S.B. 581 amends current law relating to the requirements for a change of name for a person with a final felony conviction or a person required to register as a sex offender.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 45.103, Family Code, by amending Subsections (b) and (c) and adding Subsection (d), as follows:

(b) Authorizes a court to order a change of name under this subchapter (Change of Name of Adult) for a person with a final felony conviction if:

(1) Creates this subdivision from existing text and makes a nonsubstantive change.

(A) Redesignates existing Subdivision (1) as Paragraph (A) and makes no further changes to this paragraph; or

(B) Redesignates existing Subdivision (2) as Paragraph (B) and makes a nonsubstantive change; or

(2) the person is requesting to change the person's name to the primary name used in the person's criminal history record information.

(c) Authorizes a court to order a change of name under this subchapter for a person subject to the registration requirements of Chapter 62 (Sex Offender Registration Program), Code of Criminal Procedure, if the person:

(1) meets, rather than in addition to, the requirements of Subsection (a) (relating to certain requirements under which a court is required to order a change of name) or is requesting to change the person's name to the primary name used in the person's criminal history record information; and

(2) provides the court with proof that the person has notified the appropriate local law enforcement authority of the proposed name change. Makes a nonsubstantive change.

(d) Creates this subsection from existing text. Defines "criminal history record information." Makes a nonsubstantive change.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2017.