

## **BILL ANALYSIS**

Senate Research Center  
85R9161 SCL-D

S.B. 1733  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

A municipal identification card is a form of identification issued by a municipality, rather than a state or federal government. Under federal law, cities may issue their own identification cards as they see fit, and do not have to consider the immigration or criminal status of an applicant before doing so. There is no clear state guidance to cities or counties. However, because a city has the right to perform an act without having received that right from the Texas Constitution, it is possible that "home rule" allows Texas cities to issue municipal identification cards.

#### Provisions

- Requires the secretary of state (SOS) to specify by rule the types of identification that may be accepted by a governmental official;
- Prohibits authorization of a political subdivision from issuing an identification document;
- Requires that any authorized foreign identification documents contain security measures in alignment with the recommendations of the Department of Homeland Security;
- Prohibits a governmental official from accepting identification not approved by the SOS; and
- Prohibits a governmental entity from adopting or enforcing a rule, ordinance, order, policy, or other measure that is inconsistent with the rules prescribed by the SOS.

As proposed, S.B. 1733 amends current law relating to recognition of certain identification documents by governmental officials.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas secretary of state in SECTION 1 (Section 620.002, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subtitle A, Title 6, Government Code, by adding Chapter 620, as follows:

#### CHAPTER 620. RECOGNITION OF CERTAIN IDENTIFICATION DOCUMENTS.

Sec. 620.001. DEFINITIONS. Defines "governmental entity" and "governmental official."

Sec. 620.002. RECOGNITION OF CERTAIN IDENTIFICATION DOCUMENTS BY GOVERNMENTAL OFFICIALS. (a) Prohibits a governmental official from accepting, relying on, or otherwise using an identification document for the purpose of determining a person's identity or residency unless the document is expressly authorized for that purpose under Subsection (b).

(b) Requires the Texas secretary of state by rule to specify the identification documents that may be accepted by a governmental official. Provides that rules adopted under this subsection:

(1) are prohibited from authorizing an identification document issued by a political subdivision of this state; and

(2) must require that foreign identification documents include appropriate security measures to ensure authenticity.

Sec. 620.003. CERTAIN IDENTIFICATION DOCUMENT POLICIES PROHIBITED.

(a) Prohibits a governmental entity from adopting or enforcing a rule, ordinance, order, policy, or other measure that is inconsistent with Section 620.002.

(b) Provides that a rule, ordinance, order, policy, or other measure that is inconsistent with Section 620.002 is void.

Sec. 620.004. EFFECT ON ELECTION LAW. Prohibits this chapter from being construed to have any effect on state election law, including the acceptable forms of photo identification under Chapter 63 (Accepting Voter), Election Code.

SECTION 2. Effective date: September 1, 2017.