

By: Elkins

H.B. No. 3492

A BILL TO BE ENTITLED

AN ACT

relating to the authority of certain county and district clerks to obtain and retain information that identifies a person filing a document or requesting services.

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

SECTION 1. Chapter 191, Local Government Code, is amended by adding Section 191.011 to read as follows:

Sec. 191.011. AUTHORITY OF CLERKS TO OBTAIN AND RETAIN IDENTIFYING INFORMATION IN CERTAIN COUNTIES. (a) In this section:

(1) "Electronic storage" has the meaning assigned by Section 205.001.

(2) "Ex officio service" has the meaning assigned by Section 118.023.

(3) "Identifying information" means information in any form that may be used to identify an individual, including information derived from:

(A) a driver's license, personal identification card, or other document, regardless of the intended use of the document;

(B) a photograph;

(C) a recording of the individual's image or voice, including a video or audio recording; or

(D) any other physical or electronic source.

(b) A county clerk or district clerk in a county with a

1 population of 3.3 million or more may copy or record identifying
2 information, including a document on which the information is
3 viewable, regarding an individual who:

4 (1) presents a document or other instrument for filing
5 or recording to the county clerk or district clerk; or

6 (2) requests or obtains an ex officio service or other
7 public service provided by the county clerk or district clerk.

8 (c) A county clerk or district clerk may maintain
9 identifying information copied or recorded under this section in an
10 electronic storage format.

11 (d) A county clerk or district clerk may not charge a fee to
12 copy or record identifying information.

13 (e) Identifying information copied or recorded under this
14 section is confidential except for use in a criminal investigation
15 or prosecution or a civil court proceeding.

16 SECTION 2. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2017.