

1-1 By: Elkins (Senate Sponsor - Bettencourt) H.B. No. 3492
1-2 (In the Senate - Received from the House May 5, 2017;
1-3 May 10, 2017, read first time and referred to Committee on State
1-4 Affairs; May 15, 2017, reported favorably by the following vote:
1-5 Yeas 9, Nays 0; May 15, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Huffman	X		
1-9	Hughes	X		
1-10	Birdwell	X		
1-11	Creighton	X		
1-12	Estes	X		
1-13	Lucio	X		
1-14	Nelson	X		
1-15	Schwertner	X		
1-16	Zaffirini	X		

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the authority of certain county and district clerks to
1-20 obtain and retain information that identifies a person filing a
1-21 document or requesting services.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Chapter 191, Local Government Code, is amended
1-24 by adding Section 191.011 to read as follows:

1-25 Sec. 191.011. AUTHORITY OF CLERKS TO OBTAIN AND RETAIN
1-26 IDENTIFYING INFORMATION IN CERTAIN COUNTIES. (a) In this section:

1-27 (1) "Biometric information" means a retina or iris
1-28 scan, digital or electronic fingerprint scan, voiceprint, or record
1-29 of hand or face geometry.

1-30 (2) "Electronic storage" has the meaning assigned by
1-31 Section 205.001.

1-32 (3) "Ex officio service" has the meaning assigned by
1-33 Section 118.023.

1-34 (4) "Identifying information" means information in
1-35 any form, other than biometric information, that may be used to
1-36 identify an individual. The term includes information derived
1-37 from:

1-38 (A) a driver's license, personal identification
1-39 card, or other document, regardless of the intended use of the
1-40 document;

1-41 (B) a photograph;

1-42 (C) a recording of the individual's image or
1-43 voice, including a video or audio recording; or

1-44 (D) any other physical or electronic source.

1-45 (5) "Public service" means a service related to an
1-46 official governmental power, duty, program, or activity. The term
1-47 does not include an incidental service provided only as a courtesy
1-48 to a member of the public.

1-49 (b) A county clerk or district clerk in a county with a
1-50 population of 3.3 million or more may copy or record identifying
1-51 information, including a document on which the information is
1-52 viewable, regarding an individual who:

1-53 (1) presents a document or other instrument for filing
1-54 or recording to the county clerk or district clerk; or

1-55 (2) requests or obtains an ex officio service or other
1-56 public service provided by the county clerk or district clerk.

1-57 (c) A county clerk or district clerk may maintain
1-58 identifying information copied or recorded under this section in an
1-59 electronic storage format.

1-60 (d) Except as otherwise required or authorized by law, a
1-61 county clerk or district clerk may not:

2-1 (1) refuse to file or record a document or other
2-2 instrument or refuse to provide a public service on the ground that
2-3 an individual described by Subsection (b) does not have or refuses
2-4 to provide identifying information; or

2-5 (2) charge a fee to copy or record identifying
2-6 information.

2-7 (e) Identifying information copied or recorded under this
2-8 section is confidential except for use in a criminal investigation
2-9 or prosecution or a related civil court proceeding.

2-10 SECTION 2. This Act takes effect immediately if it receives
2-11 a vote of two-thirds of all the members elected to each house, as
2-12 provided by Section 39, Article III, Texas Constitution. If this
2-13 Act does not receive the vote necessary for immediate effect, this
2-14 Act takes effect September 1, 2017.

2-15

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