

BILL ANALYSIS

Senate Research Center
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S.B. 1697
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Chapter 45, Section 103, Family Code, was enacted to prevent felons from changing their name to escape their prison record. Name changes are only allowed after two years after release or two years after completing parole.

However, individuals are often primarily known by names that do not match those on their birth certificates. For many people sentenced to prison, their birth certificate name does not match the corresponding name in their Department of Public Safety of the State of Texas (DPS) records under which their criminal history is recorded. Consequently, upon release many individuals cannot obtain Texas identification cards or driver's licenses because their birth certificate names do not match those by which they are classified in DPS records.

In practice this policy severely penalizes those who have used a name other than their birth name for the vast majority of their lives. Without official identification, one cannot obtain a legitimate job, enroll in school and educational courses, open bank accounts, rent an apartment, or even register as a sex offender, which is especially problematic for those who are required to do so as a condition of their release.

S.B. 1697 allows an individual to change their birth certificate name to the name they have used the majority of their life under which they are classified on several official records, including prison documents.

S.B. 1697 preserves the restriction that individuals cannot change their names from that under which they were incarcerated. However, if a former offender is required to obtain a Texas ID, this amendment would allow them to change their birth name to the name assigned by DPS under which their criminal history is associated.

As proposed, S.B. 1697 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 changes; 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 the requirements of Subsection (a) (relating to a change in name being in the best interest or to the benefit of the petitioner and in the interest of the public) or is requesting to change the person's name to the primary name used in the person's criminal history record information; and

(2) creates this subsection from existing text and makes a nonsubstantive change.

(d) Creates this subsection from existing text, makes a nonsubstantive change, and adds a definition for "criminal history record information."

SECTION 2. Makes application of Section 45.103, Family Code, as amended by this Act, prospective.

SECTION 3. Effective date: September 1, 2019.