By:  Krause, Gates H.B. No. 4355

A BILL TO BE ENTITLED

AN ACT

relating to providing children committed to the Texas Juvenile Justice Department and prisoners serving a sentence in a county jail with certain documents on discharge or release; authorizing a fee.

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

SECTION 1.  Subchapter B, Chapter 245, Human Resources Code, is amended by adding Sections 245.0536 and 245.0537 to read as follows:

Sec. 245.0536.  PROVIDING RELEASED OR DISCHARGED CHILD WITH STATE-ISSUED IDENTIFICATION. (a) Before releasing a child under supervision or finally discharging a child, the department shall:

(1)  determine whether the child has:

(A)  a valid license issued under Chapter 521, Transportation Code; or

(B)  a valid personal identification certificate issued under Chapter 521, Transportation Code; and

(2)  if the child does not have a valid license or certificate described by Subdivision (1), submit to the Department of Public Safety on behalf of the child a request for the issuance of a personal identification certificate under Chapter 521, Transportation Code.

(b)  The department shall submit a request under Subsection (a)(2) on intake of the child to enable the department to provide the child with the personal identification certificate when the department releases or discharges the child.

(c)  The department, the Department of Public Safety, and the vital statistics unit of the Department of State Health Services shall adopt a memorandum of understanding that establishes their respective responsibilities with respect to the issuance of a personal identification certificate to a child, including responsibilities related to verification of the child's identity. The memorandum of understanding must require the Department of State Health Services to electronically verify the birth record of a child whose name and any other personal information is provided by the department and to electronically report the recorded filing information to the Department of Public Safety to validate the identity of a child under this section.

(d)  The department shall reimburse the Department of Public Safety or the Department of State Health Services for the actual costs incurred by those agencies in performing responsibilities established under this section. The department may charge a child or the child's parent or guardian for the actual costs incurred under this section or the fees required by Section 521.421, Transportation Code.

(e)  This section does not apply to a child who:

(1)  is not legally present in the United States; or

(2)  was not a resident of this state before the child was placed in the custody of the department.

Sec. 245.0537.  PROVIDING RELEASED OR DISCHARGED CHILD WITH BIRTH CERTIFICATE AND SOCIAL SECURITY CARD. (a) In addition to complying with the requirements of Section 245.0536, before releasing a child under supervision or finally discharging a child, the department must:

(1)  determine whether the child has a:

(A)  certified copy of the child's birth certificate; and

(B)  copy of the child's social security card; and

(2)  if the child does not have a document described by Subdivision (1), submit to the appropriate entity on behalf of the child a request for the issuance of the applicable document.

(b)  The department shall submit a request under Subsection (a)(2) on intake of the child to enable the department to provide the child with the applicable document when the department releases or discharges the child.

(c)  This section does not apply to a child who:

(1)  is not legally present in the United States; or

(2)  was not a resident of this state before the child was placed in the custody of the department.

SECTION 2.  Subchapter C, Chapter 351, Local Government Code, is amended by adding Sections 351.048 and 351.049 to read as follows:

Sec. 351.048.  PROVIDING DISCHARGED PRISONER WITH STATE-ISSUED IDENTIFICATION. (a) Before discharging a prisoner serving a sentence in a county jail, the sheriff of the county shall:

(1)  determine whether the prisoner has:

(A)  a valid license issued under Chapter 521 or 522, Transportation Code; or

(B)  a valid personal identification certificate issued under Chapter 521, Transportation Code; and

(2)  if the prisoner does not have a valid license or certificate described by Subdivision (1), submit to the Department of Public Safety on behalf of the prisoner a request for the issuance of a personal identification certificate under Chapter 521, Transportation Code.

(b)  The sheriff shall submit a request under Subsection (a)(2) on intake of the prisoner to enable the sheriff to provide the prisoner with the personal identification certificate when the prisoner is discharged from the county jail.

(c)  The Commission on Jail Standards, the Department of Public Safety, and the vital statistics unit of the Department of State Health Services shall adopt a memorandum of understanding that establishes the respective responsibilities of a sheriff, the Department of Public Safety, and the Department of State Health Services with respect to the issuance of a personal identification certificate to a prisoner serving a sentence in a county jail, including responsibilities related to verification of the prisoner's identity. The memorandum of understanding must require the Department of State Health Services to electronically verify the birth record of a prisoner whose name and any other personal information is provided by the sheriff and to electronically report the recorded filing information to the Department of Public Safety to validate the identity of a prisoner under this section.

(d)  The sheriff or commissioners court of the county shall reimburse the Department of Public Safety or the Department of State Health Services for the actual costs incurred by those agencies in performing responsibilities established under this section. The sheriff may charge a prisoner for the actual costs incurred under this section or the fees required by Section 521.421, Transportation Code.

(e)  This section does not apply to a prisoner who:

(1)  is not legally present in the United States; or

(2)  was not a resident of this state before the prisoner was placed in the custody of the sheriff.

Sec. 351.049.  PROVIDING DISCHARGED PRISONER WITH BIRTH CERTIFICATE AND SOCIAL SECURITY CARD. (a) In addition to complying with the requirements of Section 351.048, before discharging a prisoner serving a sentence in a county jail, the sheriff of the county must:

(1)  determine whether the prisoner has a:

(A)  certified copy of the prisoner's birth certificate; and

(B)  copy of the prisoner's social security card; and

(2)  if the prisoner does not have a document described by Subdivision (1), submit to the appropriate entity on behalf of the prisoner a request for the issuance of the applicable document.

(b)  The sheriff shall submit a request under Subsection (a)(2) on intake of the prisoner to enable the sheriff to provide the prisoner with the applicable document when the prisoner is discharged from the county jail.

(c)  This section does not apply to a prisoner who:

(1)  is not legally present in the United States; or

(2)  was not a resident of this state before the prisoner was placed in the custody of the sheriff.

SECTION 3.  Section 521.421(a-1), Transportation Code, is amended to read as follows:

(a-1)  The fee for a personal identification certificate or driver's license issued under Section 501.0165, Government Code, [~~or~~] Section 841.153, Health and Safety Code, Section 245.0536, Human Resources Code, Section 351.048, Local Government Code, or Section 521.1421, Transportation Code, is $5.

SECTION 4.  Sections 245.0536 and 245.0537, Human Resources Code, as added by this Act, apply only to the release under supervision or final discharge of a child that occurs on or after December 1, 2021. A release under supervision or final discharge that occurs before that date is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 5.  Sections 351.048 and 351.049, Local Government Code, as added by this Act, apply only to the discharge of a prisoner that occurs on or after December 1, 2021. A discharge that occurs before that date is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 6.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.