

1-1 By: Nelson S.B. No. 798
1-2 (In the Senate - Filed February 24, 2021; March 11, 2021,
1-3 read first time and referred to Committee on State Affairs;
1-4 March 17, 2021, reported favorably by the following vote: Yeas 9,
1-5 Nays 0; March 17, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Hughes	X		
1-9	Birdwell	X		
1-10	Campbell	X		
1-11	Hall	X		
1-12	Lucio	X		
1-13	Nelson	X		
1-14	Powell	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 issuance of a birth record, driver's license, or
1-20 personal identification certificate to victims and the children of
1-21 victims of family or dating violence.

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

1-23 SECTION 1. Subchapter A, Chapter 191, Health and Safety
1-24 Code, is amended by adding Section 191.00491 to read as follows:

1-25 Sec. 191.00491. BIRTH RECORD ISSUED TO VICTIMS AND CHILDREN
1-26 OF VICTIMS OF DATING OR FAMILY VIOLENCE. On request of an
1-27 individual described by this section, the state registrar, a local
1-28 registrar, or a county clerk shall issue, without payment of a fee,
1-29 a certified copy of the individual's birth record to:

1-30 (1) a victim of dating violence as defined by Section
1-31 71.0021, Family Code;

1-32 (2) a victim of family violence as defined by Section
1-33 51.002, Human Resources Code; or

1-34 (3) a child of a victim described by Subdivision (1) or
1-35 (2).

1-36 SECTION 2. Subchapter E, Chapter 521, Transportation Code,
1-37 is amended by adding Section 521.1016 to read as follows:

1-38 Sec. 521.1016. PERSONAL IDENTIFICATION CERTIFICATE ISSUED
1-39 TO VICTIMS AND CHILDREN OF VICTIMS OF DATING OR FAMILY VIOLENCE.

1-40 (a) In this section:

1-41 (1) "Advocate" has the meaning assigned by Section
1-42 93.001, Family Code.

1-43 (2) "Victim of dating violence" means the victim of
1-44 violence described by Section 71.0021, Family Code.

1-45 (3) "Victim of family violence" has the meaning
1-46 assigned by Section 51.002, Human Resources Code.

1-47 (b) This section applies to the application for a personal
1-48 identification certificate only for a victim of dating violence, a
1-49 victim of family violence, or the child of a victim of dating or
1-50 family violence.

1-51 (c) Notwithstanding Section 521.101, Section 521.1426, or
1-52 any other provision of this chapter, an individual described by
1-53 Subsection (b) may, in applying for a personal identification
1-54 certificate:

1-55 (1) provide a copy of the individual's birth
1-56 certificate as proof of the individual's identity and United States
1-57 citizenship, as applicable; and

1-58 (2) if the individual does not have a residence or
1-59 domicile, provide a letter certifying the individual is homeless
1-60 issued by:

1-61 (A) an advocate;

2-1 (B) a licensed mental health services provider
2-2 who examined and evaluated the individual; or

2-3 (C) the director of an emergency shelter or
2-4 transitional housing program funded by the United States Department
2-5 of Housing and Urban Development or through the Victims of Crime Act
2-6 of 1984 (Title II, Pub. L. No. 98-473).

2-7 (d) The department shall exempt an individual described by
2-8 Subsection (b) from the payment of any fee for the issuance of a
2-9 personal identification certificate under this chapter, subject to
2-10 Section 521.4265.

2-11 SECTION 3. Section 521.1811, Transportation Code, is
2-12 amended to read as follows:

2-13 Sec. 521.1811. WAIVER OF FEES FOR FOSTER CHILD OR YOUTH,
2-14 [OR] HOMELESS CHILD OR YOUTH, OR VICTIM OR CHILD OF VICTIM OF DATING
2-15 OR FAMILY VIOLENCE. A person is exempt from the payment of any fee
2-16 for the issuance of a driver's license, as provided under this
2-17 chapter, if that person is:

2-18 (1) younger than 18 years of age and in the managing
2-19 conservatorship of the Department of Family and Protective
2-20 Services;

2-21 (2) at least 18 years of age, but younger than 21 years
2-22 of age, and resides in a foster care placement, the cost of which is
2-23 paid by the Department of Family and Protective Services; [or]

2-24 (3) a homeless child or youth as defined by 42 U.S.C.
2-25 Section 11434a;

2-26 (4) a victim of dating violence as defined by Section
2-27 71.0021, Family Code;

2-28 (5) a victim of family violence as defined by Section
2-29 51.002, Human Resources Code; or

2-30 (6) a child of a victim described by Subdivision (4) or
2-31 (5).

2-32 SECTION 4. Sections 521.4265(b) and (c), Transportation
2-33 Code, are amended to read as follows:

2-34 (b) For each exemption granted under Section 521.1015,
2-35 521.1016, or 521.1811, the department shall deposit to the credit
2-36 of the Texas mobility fund an amount from the identification fee
2-37 exemption account under Subsection (a) that is equal to the amount
2-38 of the waived fee that would otherwise be deposited to the mobility
2-39 fund.

2-40 (c) The department may not grant an exemption under Section
2-41 521.1015, 521.1016, or 521.1811 if money is not available in the
2-42 identification fee exemption account to meet the requirements of
2-43 Subsection (b).

2-44 SECTION 5. The changes in law made by this Act apply to an
2-45 application for a birth record, driver's license, or personal
2-46 identification certificate submitted on or after the effective date
2-47 of this Act. An application for a birth record, driver's license,
2-48 or personal identification certificate submitted before the
2-49 effective date of this Act is governed by the law in effect on the
2-50 date the application was submitted, and the former law is continued
2-51 in effect for that purpose.

2-52 SECTION 6. This Act takes effect September 1, 2021.

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