

BILL ANALYSIS

C.S.H.B. 1195
By: Holland
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In Texas, a signature is required when signing over a deed. The falsification of such a signature can result in deed fraud where a property is sold without the consent of the legitimate owner. Deed fraud has caused many homeowners to lose their home and many potential homeowners to purchase a home that does not actually belong to the person that signed over the property. Currently, a county clerk may require a photo identification for the filing of certain documents only in a county with a population of 800,000 or more, and a county or district clerk may record the identifying information of someone filing a record only in a county with a population of 3.3 million or more. C.S.H.B. 1195 seeks to ensure that more counties have the ability to verify the identity of someone filing a property record in person by extending this verification authority to any county that allows for the electronic filing of documents in the county's real property records.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1195 amends the Local Government Code to authorize a county clerk in any county that allows for electronic filing of documents in the county's real property records, regardless of the county's population size, to require a person presenting a document in person for filing in the county's real property records to present a photo identification. The bill authorizes a county clerk or district clerk in any such county, regardless of the county's population size, to copy or record identifying information regarding the following individuals:

- an individual who presents a document or other instrument for filing or recording to the clerk; or
- an individual who requests or obtains an ex officio service or other public service provided by the clerk.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 1195 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Whereas the introduced authorized a county clerk of any county to require a person presenting a document in person for filing in the county's real property records to present a photo identification to the clerk, the substitute authorizes a county clerk in any county that allows for electronic filing of documents in the county's real property records to require the presentation of such identification.

The substitute includes an authorization absent in the introduced for a county clerk or district clerk in any county that allows for electronic filing of documents in the county's real property records, regardless of the county's population size, to copy or record identifying information regarding certain individuals.