

BILL ANALYSIS

H.B. 1677
By: Jetton
Urban Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Homeless individuals often lose access to essential identification documents, including driver's licenses or birth certificates. Without these documents, it is very challenging for homeless individuals to apply for jobs, services, or housing, yet attempting to obtain them presents another hurdle: one document is often needed to request another and accompanied by a fee. While advocacy and assistance groups can take steps to thoroughly vet and confirm the identity of a homeless individual, these confirmations are not usually sufficient to assist the individual in obtaining an identification card or birth certificate. H.B. 1677 seeks to establish a pathway for homeless individuals to begin the process of obtaining identification by providing for the issuance of a certified copy of a homeless individual's birth record without a fee.

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 rulemaking authority is expressly granted to the Department of State Health Services in SECTION 1 of this bill and to the Department of Public Safety in SECTION 2 of this bill.

ANALYSIS

H.B. 1677 amends the Health and Safety Code to require the state registrar, a local registrar, or a county clerk to issue to a homeless individual without fee a certified copy of the individual's birth record on request. The bill requires the Department of State Health Services (DSHS) by rule to adopt a process to verify a person's status as a homeless individual and to prescribe the documentation necessary for the issuance of the copy to a verified individual. The bill defines "homeless individual" as an individual who lacks a fixed, regular, and adequate nighttime residence or whose primary nighttime residence is one of the following:

- a supervised publicly or privately operated shelter designed to provide temporary living accommodations, including welfare hotels, congregate shelters, and transitional housing for persons with mental illness;
- an institution that provides a temporary residence for individuals intended to be institutionalized; or
- a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

The term does not include an individual who is imprisoned or otherwise detained in a correctional facility unless the individual satisfies these conditions at the time of the individual's arrest.

H.B. 1677 amends the Transportation Code to require the Department of Public Safety (DPS) by rule to do the following:

- adopt a process to verify a person's status as a homeless individual;
- prescribe the documentation necessary for the issuance of a driver's license or personal identification certificate to a homeless individual; and
- exempt a homeless individual from the payment of fees for the issuance of such a license or certificate.

Rules adopted regarding the issuance of a personal identification certificate to a homeless child or youth must be consistent with provisions governing the issuance of such certificates to a homeless child or youth.

H.B. 1677 requires DPS to deposit to the credit of the Texas mobility fund an amount from the identification fee exemption account that is equal to the amount of the waived fee that would otherwise be deposited to the mobility fund. If money is not available in the account to meet that requirement, DPS may not grant the fee exemption. The bill includes the fee waiver for the issuance of a driver's license or personal identification certificate to a homeless individual among the waivers the combined expenditures of which in a previous fiscal year must be more than three times the amount of the balance of the identification fee exemption account to authorize DPS to request a transfer of money from that account to the Texas Workforce Commission in an amount sufficient to cover the cost of implementing the youth driver education funding program.

H.B. 1677 requires DSHS and DPS, in adopting their respective verification processes, to allow the requestor or applicant, as applicable, to provide a letter certifying the person is a homeless individual that is issued by the director of the following:

- an emergency shelter or transitional housing program funded by HUD;
- a shelter for homeless individuals;
- a transitional living program; or
- a law enforcement agency of a political subdivision of the state.

The bill prohibits DSHS and DPS from requiring a homeless individual to provide a physical address of the individual's residence to satisfy any of the bill's requirements.

H.B. 1677 applies only to an application for a birth record, driver's license, or personal identification certificate submitted on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.