

BILL ANALYSIS

H.B. 2959
By: Cain
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Constituents have raised concerns regarding the release of children committed to the Texas Juvenile Justice Department (TJJD) and the discharge of prisoners from a county jail with respect to the difficulty these individuals may face when reintegrating into the community if they do not have basic identification documents. A lack of these documents can cause difficulties for these individuals when they try to obtain employment, housing, and other basic necessities. H.B. 2959 seeks to ensure that these individuals have basic identification documents when they are released or discharged by establishing procedures for providing prisoners serving a sentence in a county jail with certain documents on discharge if the prisoner does not already have them and changing the time frame for TJJD to submit a request on a committed child's behalf for the issuance of an applicable document.

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

Procedures for Providing Prisoners Serving a Sentence in a County Jail With Certain Documents on Discharge

H.B. 2959 amends the Local Government Code to establish procedures for providing prisoners serving a sentence in a county jail with certain documents on discharge if the prisoner does not already have them. These procedures apply only to a prisoner discharge that occurs on or after December 1, 2023, and expressly do not apply to a prisoner who is not legally present in the United States or who was not a Texas resident before the prisoner was placed in sheriff custody.

Provision of State-Issued Identification

H.B. 2959 requires a county sheriff to do the following before discharging a prisoner serving a sentence in the county jail:

- determine whether the prisoner has a valid Texas driver's license, commercial driver's license, or personal identification certificate; and
- if the prisoner does not have such a license or certificate, submit to the Department of Public Safety (DPS) on the prisoner's behalf a request for the issuance of a personal identification certificate.

The bill requires the sheriff to submit the request 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.

H.B. 2959 requires the Commission on Jail Standards, DPS, and the vital statistics unit of the Department of State Health Services (DSHS) to adopt a memorandum of understanding that establishes the respective responsibilities of a sheriff, DPS, and DSHS 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 DSHS 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 DPS to validate a prisoner's identity. The bill requires the sheriff or county commissioners court to reimburse DPS or DSHS for the actual costs incurred by those agencies in performing responsibilities established under these provisions of the bill. The bill authorizes a sheriff to charge a prisoner for the actual costs incurred in the provision of a personal identification certificate or the required fees for the certificate's issuance.

Provision of Birth Certificate and Social Security Card

H.B. 2959 further requires a county sheriff to do the following before discharging a prisoner serving a sentence in the county jail:

- determine whether the prisoner has a certified copy of the prisoner's birth certificate and a copy of the prisoner's social security card; and
- if the prisoner does not have either one of those documents, submit to the appropriate entity on the prisoner's behalf a request for the issuance of the applicable document.

The bill requires the sheriff to submit the request 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.

Time Frame for the Texas Juvenile Justice Department to Request Certain Documents for a Child

H.B. 2959 amends the Human Resources Code to change the time frame for the Texas Juvenile Justice Department to submit a request on a committed child's behalf to the appropriate entity for the issuance of a personal identification certificate, a certified copy of a birth certificate, or a copy of a social security card so that the child may be provided with the applicable document on release or discharge from as soon as is practicable to on intake of the child.

EFFECTIVE DATE

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