By:  Holland (Senate Sponsor - Hall) H.B. No. 1195

(In the Senate - Received from the House April 24, 2023; April 24, 2023, read first time and referred to Committee on Local Government; May 11, 2023, reported adversely, with favorable Committee Substitute by the following vote: Yeas 9, Nays 0; May 11, 2023, sent to printer.)

COMMITTEE VOTE

                 Yea Nay Absent  PNV

Bettencourt       X

Springer          X

Eckhardt          X

Gutierrez         X

Hall              X

Nichols           X

Parker            X

Paxton            X

West              X

COMMITTEE SUBSTITUTE FOR H.B. No. 1195 By:  Hall

A BILL TO BE ENTITLED

AN ACT

relating to the authority of certain county and district clerks to obtain and retain information that identifies a person filing a document or requesting services.

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

SECTION 1.  Section 191.010(b), Local Government Code, is amended to read as follows:

(b)  A county clerk in a county that allows for electronic filing of documents in the real property records of the county [~~with a population of 800,000 or more~~] may require a person presenting a document in person for filing in the real property records [~~of the county~~] to present a photo identification to the clerk. The clerk may copy the photo identification or record information from the photo identification. The clerk may not charge a person a fee to copy or record the information from a photo identification.

SECTION 2.  Section 191.011, Local Government Code, is amended by amending Subsections (b) and (d) and adding Subsection (b-1) to read as follows:

(b)  A county clerk or district clerk in a county that allows for electronic filing or recording of documents or other instruments [~~with a population of 3.3 million or more~~] may require an individual to present photo identification and copy or record identifying information, including a document on which the information is viewable, if the [~~regarding an~~] individual [~~who~~]:

(1)  presents a document or other instrument for filing or recording to the county clerk or district clerk; or

(2)  requests or obtains an ex officio service or other public service provided by the county clerk or district clerk.

(b-1)  A county clerk or district clerk who requires an individual to present photo identification under Subsection (b) may not accept a document or other instrument for filing or recording if the individual presents the document or other instrument in person and does not have or refuses to provide a photo identification.

(d)  Except as otherwise required or authorized by law, a county clerk or district clerk may not[~~:~~

[~~(1)  refuse to file or record a document or other instrument or refuse to provide a public service on the ground that an individual described by Subsection (b) does not have or refuses to provide identifying information; or~~

[~~(2)~~]  charge a fee to copy or record identifying information.

SECTION 3.  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, 2023.

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