

BILL ANALYSIS

C.S.H.B. 1681
By: Bohac
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Reports indicate that seemingly suspicious transactions are sometimes conducted in the lobbies of county clerk offices and that fraudulent documents are sometimes later found to have been filed. Observers assert that requiring a person filing a document with a county clerk to provide identification and to include identifying information along with the filed document would help deter fraudulent filings. C.S.H.B. 1681 seeks to address this issue.

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. 1681 amends the Local Government Code to authorize a county clerk to require a person presenting a document in person for filing in the real property records of the county to present to the clerk a photo identification verifying the person's identity. The bill authorizes the clerk to determine the forms of photo identification that may be presented to verify the person's identity. The bill authorizes the clerk to copy the photo identification or record information from the photo identification. The bill prohibits the clerk from charging a person a fee to copy or record the information from a photo identification. The bill makes information copied or recorded from the photo identification confidential and establishes that a document filed with a county clerk is not invalid solely because the clerk did not copy a photo identification or record the information from the photo identification.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1681 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED				HOUSE COMMITTEE SUBSTITUTE			
SECTION	1.	Chapter	191, Local	SECTION	1.	Chapter	191, Local

Government Code, is amended by adding Section 191.010 to read as follows:

Sec. 191.010. AUTHORITY TO REQUIRE PHOTO IDENTIFICATION TO FILE CERTAIN DOCUMENTS. (a) In this section, "photo identification" means one of the following forms of photo identification:

(1) a driver's license, election identification certificate, or personal identification card issued to the person by any state or territory of the United States that has not expired or that expired no earlier than 60 days before the date of presentation;

(2) a United States military identification card that contains the person's photograph that has not expired or that expired no earlier than 60 days before the date of presentation;

(3) a United States citizenship certificate issued to the person that contains the person's photograph;

(4) a United States passport or a passport issued by a foreign government recognized by the United States issued to the person that has not expired or that expired no earlier than 60 days before the date of presentation; or

(5) a license to carry a concealed handgun issued to the person by the Department of Public Safety that has not expired or that expired no earlier than 60 days before the date of presentation.

(b) A county clerk 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.

(c) Information copied or recorded from the photo identification is confidential.

(d) A document filed with a county clerk is not invalid solely because the county clerk did not copy a photo identification or record the information from the photo identification.

SECTION 2. This Act takes effect

84R 23102

Substitute Document Number: 84R 20386

Government Code, is amended by adding Section 191.010 to read as follows:

Sec. 191.010. AUTHORITY TO REQUIRE PHOTO IDENTIFICATION TO FILE CERTAIN DOCUMENTS.

(a) A county clerk may require a person presenting a document in person for filing in the real property records of the county to present to the clerk a photo identification verifying the identity of the person. The clerk may determine the forms of photo identification that may be presented to verify the identity of the person. 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.

(b) Information copied or recorded from the photo identification is confidential.

(c) A document filed with a county clerk is not invalid solely because the county clerk did not copy a photo identification or record the information from the photo identification.

SECTION 2. Same as introduced version.

15.104.713

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, 2015.