

SUBJECT: Requiring adults to submit fingerprints with name-change petitions

COMMITTEE: Juvenile Justice and Family Issues — favorable, without amendment

VOTE: 5 ayes — Dutton, Goodman, Baxter, Castro, Morrison
0 nays
4 absent — Dunnam, Hodge, J. Moreno, Reyna

WITNESSES: None

BACKGROUND: An adult in Texas seeking to change his or her name legally must submit to the court a verified petition including the current name and address, the full new name desired, the reason for the request, and a declaration of any final felony convictions (Family Code, sec. 45.102(a)). Until 1995, state law also required a completed fingerprint card on a form approved by the Department of Public Safety (DPS). The 74th Legislature repealed that provision as part of a recodification but did not replace it in the new code.

DIGEST: HB 162 would require name-change petitions to include a complete, legible set of the petitioner's fingerprints on a card format acceptable to DPS and the Federal Bureau of Investigation (FBI).

The bill would take effect September 1, 2003, and would apply only to petitions filed on or after that date.

SUPPORTERS SAY: HB 162 would strengthen the legal name-changing process and would enhance state and federal security measures essential for the effective conduct of the war on terrorism.

Current law requires no physical documentation incontrovertibly linking people to their given and new names. Requiring a set of fingerprints on file would correct an eight-year-old oversight that eliminated a crucial tool for determining the identity of a person who legally changes names. Texas already requires thumbprints on driver's license applications and a fingerprint to obtain food stamps. Providing such information is a reasonable and simple

requirement that deters the misuse of name changing to avoid legal obligations such as debts, taxes, or criminal and civil judgments. The change proposed by HB 162 would affect relatively few people and would not abrogate anyone's personal rights.

HB 162 would implement a recommendation of the governor's Task Force on Homeland Security. The lack of a fingerprinting requirement could make it easier for criminals, including terrorists, to obscure their true identities by legal means. Requiring fingerprint cards to conform to FBI as well as DPS standards would ensure their usefulness for national security purposes.

**OPPONENTS
SAY:**

HB 162 would infringe on law-abiding citizens' privacy while providing little real deterrence of crime. State law already requires disclosure of felony convictions, which should provide law enforcement enough information to pursue criminals. Foreign terrorists are not likely to want or need to use the Texas court system to falsify their identities or to concoct aliases. The 9/11 hijackers used their real names virtually the entire time they were in this country. Most passports, including those issued in the United States, do not contain fingerprints. This bill would be tantamount to a state version of a national identification system for a narrow class of citizens. Texans who want or need legal name changes often do so for innocuous reasons. They should not be singled out for antiterrorism precautions that do not apply to other Americans.

The bill would add unnecessarily to the amount of paperwork needed to process a name change. Fingerprinting should be required at the court's discretion only when a petitioner's identity or motives are at issue.

**OTHER
OPPONENTS
SAY:**

The United States is at war, and Texas' lengthy foreign border makes it especially vulnerable. The state should enact broader measures to protect the public, such as requiring fingerprints on all state applications and biometric data on driver's licenses, in lieu of a national identification card.