

SUBJECT: Giving county clerks authority to require photo ID for property documents

COMMITTEE: County Affairs — committee substitute recommended

VOTE: 7 ayes — Coleman, Farias, Burrows, Romero, Spitzer, Tinderholt, Wu

1 nay — Schubert

1 absent — Stickland

WITNESSES: For — Ed Johnson, Harris County Clerk Office; (*Registered, but did not testify*: Donna Warndof, Harris County; Justin Wood, Harris County District Attorney's Office)

Against — None

DIGEST: CSHB 1681 would add Local Government Code, ch. 191.010 to grant county clerks the authority to require photo identification from individuals filing real property documents in person.

The clerk would determine the appropriate forms of photo identification to verify the individual's identity and could copy or record information from the photo identification. A clerk could not charge a person a fee to copy or record the information. Information copied or recorded from the photo identification would be confidential.

The bill would not make a document filed with the county clerk invalid solely because the clerk did not copy or record information from a photo identification.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015.

SUPPORTERS SAY: CSHB 1681 would help safeguard Texans against fraudulent deed filings. County clerks currently have no authority to require photo identification

when a person is filing a deed, which prevents them from quickly verifying a filer's identity. This lack of information also makes it difficult for law enforcement to identify people who are using fraudulent documents. The bill would ensure that anyone filing real property documents could be asked for photo identification, which would be filed along with the document and could assist any subsequent investigation.

This bill would not make third-party filers, such as attorneys or title companies, more vulnerable to investigation due to filing a fraudulent deed. It would merely allow a clerk to record identity information, which could be useful if questions arose about the filer's identity.

**OPPONENTS  
SAY:**

CSHB 1681 could place a burden on third parties filing real property documents on behalf of another party. Attorneys and their associates often file documents for clients. If the document provided by the client was fraudulent, the attorney or their associates could be subjected to an investigation by law enforcement when they were only following the wishes of their clients.