

## **BILL ANALYSIS**

Senate Research Center  
84R31624 TJB-D

C.S.H.B. 1681  
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Intergovernmental Relations  
5/22/2015  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

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. Proponents claim 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 by allowing the clerk to ask for and make a copy of a picture ID of the person filing the document at the time of filing.

C.S.H.B. 1681 amends current law relating to the authority of a county clerk to require an individual to present photo identification to file certain documents.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 191, Local Government Code, by adding Section 191.010, as follows:

Sec. 191.010. AUTHORITY TO REQUIRE PHOTO IDENTIFICATION TO FILE CERTAIN DOCUMENTS. (a) Defines "photo identification" to mean 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) Authorizes a county clerk to 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. Authorizes the clerk to copy the photo identification or

record information from the photo identification. Prohibits the clerk from charging a person a fee to copy or record the information from a photo identification.

(c) Provides that information copied or recorded from the photo identification is confidential.

(d) Provides that 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. Effective date: upon passage or September 1, 2015.