

BILL ANALYSIS

Senate Research Center
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H.B. 4544
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

While the Texas Department of Criminal Justice has a system under which it works with the Texas Department of Public Safety (DPS) to process state-issued identification more efficiently for inmates on release, there is no such process established in state law for juveniles being released from the Texas Juvenile Justice Department (TJJD). In light of reports that TJJD experiences a delay in processing personal identification certificates for children being released or discharged from TJJD supervision, it has been suggested that streamlining the process of obtaining these certificates may aid in the successful rehabilitation of children seeking access to programs or jobs after release or discharge.

H.B. 4544 seeks to remedy this issue by requiring certain agency cooperation in the issuance of personal identification certificates to children being released or discharged from TJJD supervision.

H.B. 4544 amends the Human Resources Code to require TJJD to do the following before releasing a child under supervision or finally discharging a child:

- determine whether the child has a valid driver's license or personal identification certificate; and
- if the child does not have such a valid license or certificate, submit to DPS a request for the issuance of a certificate on the child's behalf as soon as is practicable to enable TJJD to receive the certificate before it releases or discharges the child, and to provide the child with the certificate on release or discharge.

H.B. 4544 requires TJJD, DPS, and the vital statistics unit of the Department of State Health Services (DSHS) to adopt a memorandum of understanding that establishes their respective responsibilities with respect to the issuance of a personal identification certificate to a child. The memorandum must require DSHS to electronically verify the birth record of a child whose name and any other personal information is provided by TJJD and to electronically report the recorded filing information to DPS to validate the child's identity.

The bill requires TJJD to reimburse DPS or DSHS for the actual costs incurred by the agencies in performing those responsibilities and authorizes TJJD to charge the child's parent or guardian for the actual costs incurred or the required fees for the issuance of the certificate. The bill's provisions do not apply to a child who is not legally present in the United States or was not a Texas resident before being placed in TJJD custody.

H.B. 4544 specifies that the contracting authority of TJJD with respect to implementing a comprehensive reentry and reintegration plan for children includes contracting to provide children with personal identification certificates obtained under the bill's provisions. It amends the Transportation Code to establish a \$5 fee for a personal identification certificate issued under the bill's provisions, and applies only to the release under supervision or final discharge of a child that occurs on or after December 1, 2021.

H.B. 4544 amends current law relating to providing children committed to the Texas Juvenile Justice Department with state-issued identification on discharge or release.

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 Section 245.0535(e), Human Resources Code, as follows:

(e) Authorizes the Texas Juvenile Justice Department (TJJD) to contract and coordinate with private vendors, units of local government, or other entities to implement the comprehensive reentry and reintegration plan developed under Section 245.0535 (Comprehensive Reentry and Reintegration Plan for Children; Study and Report), including contracting for certain purposes, including contracting to provide children awaiting release under supervision or final discharge with documents that are necessary after release or discharge, including identification papers that include, if available, personal identification certificates obtained under Section 245.0536, medical prescriptions, job training certificates, and referrals to services.

SECTION 2. Amends Subchapter B, Chapter 245, Human Resources Code, by adding Section 245.0536, as follows:

Sec. 245.0536. PROVIDING RELEASED OR DISCHARGED CHILD WITH STATE-ISSUED IDENTIFICATION. (a) Requires TJJD, before releasing a child under supervision or finally discharging a child, to:

(1) determine whether the child has a valid license issued under Chapter 521 (Driver's Licenses and Certificates), Transportation Code, or a valid personal identification certificate issued under Chapter 521, Transportation Code; and

(2) if the child does not have a valid license or certificate described by Subdivision (1), submit to the Texas Department of Public Safety (DPS) on behalf of the child a request for the issuance of a personal identification certificate under Chapter 521, Transportation Code.

(b) Requires TJJD to submit a request under Subsection (a)(2) as soon as is practicable to enable TJJD to receive the personal identification certificate before it releases or discharges the child and to provide the child with the personal identification certificate when it releases or discharges the child.

(c) Requires TJJD, DPS, and the vital statistics unit of the Department of State Health Services (DSHS) to adopt a memorandum of understanding that establishes their respective responsibilities with respect to the issuance of a personal identification certificate to a child, including responsibilities related to verification of the child's identity. Requires that the memorandum of understanding require DSHS to electronically verify the birth record of a child whose name and any other personal information is provided by the department and to electronically report the recorded filing information to DPS to validate the identity of a child under this section.

(d) Requires TJJD to reimburse DPS or DSHS for the actual costs incurred by those agencies in performing responsibilities established under this section. Authorizes TJJD to charge the child's parent or guardian for the actual costs incurred under this section or the fees required by Section 521.421 (License Fees; Examination Fees), Transportation Code.

(e) Provides that this section does not apply to a child who is not legally present in the United States or was not a resident of this state before the child was placed in the custody of TJJD.

SECTION 3. Amends Section 521.421(a-1), Transportation Code, provide that the fee for a personal identification certificate issued under certain sections, including Section 245.0536, Human Resources Code, is \$5.

SECTION 4. Makes application of Section 245.0536, Human Resources Code, as added by this Act, prospective to December 1, 2021.

SECTION 5. Effective date: September 1, 2021.