

BILL ANALYSIS

Senate Research Center
88R2117 MP-D

S.B. 319
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Local Government
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, in a county with a population under 800,000, someone can file a deed to a property he/she does not own without presenting an ID to the county clerk. By forging a signature and getting a notary to stamp and sign the property document, one can fraudulently assume ownership of a property. A public notary is required to validate one's identity, but if the person committing the fraud is a notary, the crime is easily accomplished, as was the case a few years ago when a man transferred the titles of 20 homes in Dallas, Harris, and Tarrant counties to companies he controlled. Most of the properties belonged to deceased persons whose families had allowed the houses to fall into disrepair, or there were tax liens against the properties. The man was a public notary (though his certification was expired at the time) and forged others' signatures. In another example, a rogue notary had been notarizing the signatures of people who had been dead for decades.

While these are egregious examples, extending the ID requirement to other counties does not impose an appreciable burden while providing a simple safeguard that will prevent the fraud described above and should be applied throughout the state.

Given feedback we have received from the land title industry, we will have a committee substitute to replace the population threshold with language that distinguishes between counties that provide for electronic filing and those that do not.

As proposed, S.B. 319 amends current law relating to the authority of a county to require photo identification to file certain documents with the county clerk.

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 the heading to Section 191.010, Local Government Code, to read as follows:

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

SECTION 2. Amends Section 191.010(b), Local Government Code, as follows:

(b) Authorizes a county clerk, rather than a county clerk in a county with a population of 800,000 or more, 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.

SECTION 3. Effective date: upon passage or September 1, 2023.