

BILL ANALYSIS

Senate Research Center
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H.B. 2161
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Criminal Justice
5/14/2009
Committee Report (Amended)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, inmates being discharged or released from the Texas Department of Criminal Justice (TDCJ) are many times unable to comply with the terms of their release as the lack of proper identification hinders their ability to obtain employment or housing. This is exacerbated by the inability of the Department of Public Safety (DPS) to honor the 2005 legislative requirement that it accept the TDCJ-issued identification as proof of identity. This creates an obstacle in obtaining identification and increases the burden of reintegration on the inmate and the community. The consequential effects often create situations where the inmate fails to comply with parole conditions which ultimately contribute to recidivism.

This bill requires TDCJ to request the issuance of a personal identification from DPS for inmates that do not have a valid identification and are in pre-parole status. This bill requires TDCJ, DPS, and the bureau of vital statistics of the Department of State Health Services (DSHS) to cooperate in their respective responsibilities regarding the issuance of a personal identification certificate. This bill would not apply to inmates who were not legally present or not a resident of the state before they were incarcerated. Under this bill, TDCJ would be required to reimburse DPS and DSHS for costs incurred.

H.B. 2161 amends current law relating to the issuance of a personal identification certificate to present or former inmates of the Texas Department of Criminal Justice.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Department of Criminal Justice in SECTION 2 (Section 501.0165, Government Code) of this bill.

Rulemaking authority is expressly granted to the Department of Public Safety of the State of Texas in SECTION 2 (Section 501.0165, Government Code) of this bill.

Rulemaking authority is expressly granted to the bureau of vital statistics of the Department of State Health Services in SECTION 2 (Section 501.0165, Government Code) of this bill.

Rulemaking authority is expressly granted to the Department of Public Safety of the State of Texas in Committee Amendment No. 1 (Sections 521.421 and 522.051, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 501.015(a), Government Code, to require the Texas Department of Criminal Justice (TDCJ), rather than the institutional division, when an inmate is discharged or is released on parole, mandatory supervision, or conditional pardon, to provide the inmate with a personal identification certificate obtained under Section 501.0165, if available. Makes a nonsubstantive change.

SECTION 2. Amends Subchapter A, Chapter 501, Government Code, by adding Section 501.0165, as follows:

Sec. 501.0165. STATE-ISSUED IDENTIFICATION; NECESSARY DOCUMENTATION. (a) Requires TDCJ, before discharging an inmate or releasing an inmate on parole, mandatory supervision, or conditional pardon, to:

(1) determine whether the inmate has a valid license issued under Chapter 521 (Driver's Licenses and Certificates) or 522 (Commercial Driver's Licenses), Transportation Code, or a valid personal identification certificate issued under Chapter 521, Transportation Code; and

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

(b) Requires TDCJ to submit a request under Subsection (a)(2) as soon as is practicable to enable TDCJ to provide the inmate with the personal identification certificate when TDCJ discharges or releases the inmate.

(c) Requires TDCJ, DPS, and the bureau of vital statistics of the Department of State Health Services (DSHS) by rule to adopt a memorandum of understanding that establishes their respective responsibilities with respect to the issuance of a personal identification certificate to an inmate, including responsibilities related to verification of the inmate's identity.

(d) Requires TDCJ to reimburse DPS or DSHS for any costs incurred by those agencies in performing responsibilities established under this section.

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

SECTION 3. Effective date: September 1, 2009.

SUMMARY OF COMMITTEE CHANGES

(1) Amends SECTION 2 of the bill, in added Section 501.0165(c), Government Code (page 2, line 20), after the period, by adding "The memorandum of understanding must require the Department of State Health Services to electronically verify the birth record of an inmate whose name and any other personal information is provided by the department and to electronically report the recorded filing information to the Department of Public Safety to validate the identity of an inmate under this section."

(2) Amends SECTION 2 of the bill, in added Section 501.0165(d), Government Code (page 2, line 22), by striking "any" and substituting "the actual".

(3) Amends SECTION 2 of the bill, in added Section 501.0165(d), Government Code (page 2, line 24), after the period, by adding "The department may charge an inmate for the actual costs incurred under this section or the fees required by Section 521.421, Transportation Code".

(4) Amends the bill by inserting the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 521.001(a), Transportation Code, is amended by amending Subsection (1) and adding Subsections (1-a) and (7-a), to define "correctional facility" and "parole facility".

SECTION _____. Section 521.101, Transportation Code, is amended by adding Subsection (f-1), to provide that a personal identification certificate issued to a person whose residence or domicile is a correctional facility or a parole facility expires on the first birthday of the license holder occurring after the first anniversary of the date of issuance.

SECTION _____. Section 521.271, Transportation Code, is amended as follows:

Sec. 521.271. LICENSE EXPIRATION. (a) Provides that each original driver's license and provisional license expires as follows: (1) except as provided by Section 521.2711, a driver's license expires on the first birthday of the license holder occurring after the sixth anniversary of the date of the application; (2) a provisional license expires on the earlier of: (A) the 18th birthday of the license holder; or (B) the first birthday of the license holder occurring after the date of the application; (3) an instruction permit expires on the second birthday of the license holder occurring after the date of the application; ~~and~~ (4) an occupational license expires on the first anniversary of the court order granting the license; and (5) unless an earlier date is otherwise provided, a driver's license issued to a person whose residence or domicile is a correctional facility or a parole facility expires on the first birthday of the license holder occurring after the first anniversary of the date of issuance.

(b) Provides that except as provided by Section 521.2711, a driver's license that is renewed expires on the earlier of: (1) the sixth anniversary of the expiration date before renewal; or (2) for a renewal driver's license issued to a person whose residence or domicile is a correctional facility or a parole facility, the first birthday of the license holder occurring after the first anniversary of the date of issuance unless an earlier date is otherwise provided.

SECTION _____. Section 521.421, Transportation Code, is amended by adding Subsections (a-1) and (a-2), as follows:

(a-1) Provides that the fee for a personal identification certificate issued under Section 501.0165, Government Code, is \$5.

(a-2) Requires the department, except as provided by Subsection (a-1), by rule to establish the fee for a personal identification certificate or driver's license issued to a person whose residence or domicile is a correctional facility or a parole facility.

SECTION _____. Section 522.051, Transportation Code, is amended by adding Subsection (g) to provide that a commercial driver's license issued to a person whose residence or domicile is a correctional facility or a parole facility expires on the first birthday of the license holder occurring after the first anniversary of the date of issuance. The department by rule shall establish the fee for a commercial driver's license issued to a person whose residence or domicile is a correctional facility or a parole facility.

SECTION _____. Section 522.052, Transportation Code, is amended by adding Subsection (h) to provide that a renewal commercial driver's license issued to a person whose residence or domicile is a correctional facility or a parole facility expires on the first birthday of the license holder occurring after the first anniversary of the date of issuance.