

## **BILL ANALYSIS**

Senate Research Center  
85R23669 TJB-F

H.B. 3492  
By: Elkins (Bettencourt)  
State Affairs  
5/12/2017  
Engrossed

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

Interested parties assert that situations arise in which individuals seeking to file documents with or request services from certain county or district clerks provide fraudulent information to the clerk. H.B. 3492 seeks to combat such fraud by authorizing such clerks in certain counties to copy or record identifying information regarding an individual who seeks to so file or request.

H.B. 3492 amends current law relating to the authority of certain county and district clerks to obtain and retain information that identifies a person filing a document or requesting services.

### **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 191.011, as follows:

Sec. 191.011. AUTHORITY OF CLERKS TO OBTAIN AND RETAIN IDENTIFYING INFORMATION IN CERTAIN COUNTIES. (a) Defines "biometric information," "electronic storage," "ex officio service," "identifying information," and "public service."

(b) Authorizes a county clerk or district clerk in a county with a population of 3.3 million or more to copy or record identifying information, including a document on which the information is viewable, regarding an individual who presents a document or other instrument for filing or recording to the county clerk or district clerk or requests or obtains an ex officio service or other public service provided by the county clerk or district clerk.

(c) Authorizes a county clerk or district clerk to maintain identifying information copied or recorded under this section in an electronic storage format.

(d) Prohibits a county clerk or district clerk, except as otherwise required or authorized by law, from refusing to file or record a document or other instrument or refusing to provide a public service on the ground that an individual described by Subsection (b) does not have or refuses to provide identifying information or from charging a fee to copy or record identifying information.

(e) Provides that identifying information copied or recorded under this section is confidential except for use in a criminal investigation or prosecution or a related civil court proceeding.

SECTION 2. Effective date: upon passage or September 1, 2017.