

BILL ANALYSIS

Senate Research Center

S.B. 798
By: Nelson
State Affairs
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Survivors of family violence, who are desperate for a fresh start, face many barriers to rebuilding their lives. Often, survivors of domestic violence are unable to move out of shelters and begin the road to independence because they lack identification. Without a birth certificate or personal identification a survivor can not obtain a permanent residence or employment, which is a substantial barrier to independence. S.B. 798 establishes an alternative, no-cost process for obtaining a birth certificate and state-issued ID for victims of dating violence, victims of family violence, or a child of a victim of dating or family violence.

S.B. 798 amends current law relating to the issuance of a birth record, driver's license, or personal identification certificate to victims and the children of victims of family or dating violence.

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 Subchapter A, Chapter 191, Health and Safety Code, by adding Section 191.00491, as follows:

Sec. 191.00491. BIRTH RECORD ISSUED TO VICTIMS AND CHILDREN OF VICTIMS OF DATING OR FAMILY VIOLENCE. Requires the state registrar, a local registrar, or a county clerk, on request of an individual described by this section, to issue, without payment of a fee, a certified copy of the individual's birth record to:

- (1) a victim of dating violence as defined by Section 71.0021 (Dating Violence), Family Code;
- (2) a victim of family violence as defined by Section 51.002 (Definitions), Human Resources Code; or
- (3) a child of a victim described by Subdivision (1) or (2).

SECTION 2. Amends Subchapter E, Chapter 521, Transportation Code, by adding Section 521.1016, as follows:

Sec. 521.1016. PERSONAL IDENTIFICATION CERTIFICATE ISSUED TO VICTIMS AND CHILDREN OF VICTIMS OF DATING OR FAMILY VIOLENCE. (a) Defines "advocate," "victim of dating violence," and "victim of family violence."

- (b) Provides that this section applies to the application for a personal identification certificate only for a victim of dating violence, a victim of family violence, or the child of a victim of dating or family violence.

(c) Authorizes an individual described by Subsection (b), notwithstanding Section 521.101 (Personal Identification Certificate), Section 521.1426 (Domicile Requirement; Verification), or any other provision of Chapter 521 (Driver's Licenses and Certificates), to, in applying for a personal identification certificate:

(1) provide a copy of the individual's birth certificate as proof of the individual's identity and United States citizenship, as applicable; and

(2) if the individual does not have a residence or domicile, provide a letter certifying the individual is homeless issued by:

(A) an advocate;

(B) a licensed mental health services provider who examined and evaluated the individual; or

(C) the director of an emergency shelter or transitional housing program funded by the United States Department of Housing and Urban Development or through the Victims of Crime Act of 1984 (Title II, Pub. L. No. 98-473).

(d) Requires the Department of Public Safety of the State of Texas (DPS) to exempt an individual described by Subsection (b) from the payment of any fee for the issuance of a personal identification certificate under this chapter, subject to Section 521.4265 (Identification Fee Exemption Account).

SECTION 3. Amends Section 521.1811, Transportation Code, as follows:

Sec. 521.1811. New heading: **WAIVER OF FEES FOR FOSTER CHILD OR YOUTH, HOMELESS CHILD OR YOUTH, OR VICTIM OR CHILD OF VICTIM OF DATING OR FAMILY VIOLENCE.** Provides that a person is exempt from the payment of any fee for the issuance of a driver's license, as provided under this chapter, if that person is:

(1) makes no changes to this subdivision;

(2) and (3) makes nonsubstantive changes to these subdivisions;

(4) a victim of dating violence as defined by Section 71.0021, Family Code;

(5) a victim of family violence as defined by Section 51.002, Human Resources Code; or

(6) a child of a victim described by Subdivision (4) or (5).

SECTION 4. Amends Sections 521.4265(b) and (c), Transportation Code, as follows:

(b) Requires DPS to deposit to the credit of the Texas mobility fund an amount from the identification fee exemption account under Subsection (a) (relating to creating the identification fee exemption account as an account in the general revenue fund of the state treasury) that is equal to the amount of the waived fee that would otherwise be deposited to the mobility fund for each exemption granted under certain sections, including under Section 521.1016.

(c) Makes a conforming change to this subsection.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 2021.