

## **BILL ANALYSIS**

Senate Research Center

H.B. 2161  
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Criminal Justice  
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Engrossed

### **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.

### **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.