

- SUBJECT:** Issuing a personal ID card to present or former inmates of TDCJ
- COMMITTEE:** Corrections — committee substitute recommended
- VOTE:** 9 ayes — McReynolds, Madden, Hodge, Kolkhorst, Marquez, Martinez, S. Miller, Ortiz, Sheffield
- 0 nays
- 2 absent — Dutton, England
- WITNESSES:** For — Katherlene Levels, Texas Criminal Justice Coalition; Frank Ringer, Jr., Austin Travis County Reentry Roundtable; (*Registered, but did not testify*: Kiley Batjer, Travis County Commissioners Court; Lourdes Flores, Austin Travis County Reentry Roundtable; Mark Mendez, Tarrant County; Cindy Segovia, Bexar County Re-Entry Council; Matt Simpson, The ACLU of Texas)
- Against — None
- On — Robert Burroughs, Texas Department of Public Safety; Bryan Collier, Texas Department of Criminal Justice
- BACKGROUND:** Transportation Code, sec. 521.142(a), added in 2005, requires the Department of Public Safety (DPS) to accept an offender ID card, or similar form of identification issued to an inmate by the Texas Department of Criminal Justice (TDCJ), as satisfactory proof of identity in applying for a driver's license.
- DIGEST:** CSHB 2161 would amend the Government Code, ch. 501 to require TDCJ to request a personal identification certificate (ID) from DPS no later than the 90th day before the inmate was transferred to pre-parole status if the inmate did not have a valid driver's license or ID. TDCJ would be required to send a certified copy of the offender ID card to DPS with a current photograph of the inmate.
- When TDCJ received the identification certificate from DPS, it would be required to verify the information and request any necessary change.

Any fee associated would have to be paid in equal parts by TDCJ, Project RIO, and DPS.

CSHB 2161 would amend Transportation Code, sec. 521.101(d), to require DPS to accept an offender ID card or similar form of identification issued to an inmate by the TDCJ as satisfactory proof of identification to receive a personal identification certificate.

The bill would take effect September 1, 2009.

**SUPPORTERS
SAY:**

CSHB 2161 would allow every inmate inside TDCJ to exit with a state-issued ID. Obtaining employment and housing is difficult, if not impossible, without valid identification. Formerly incarcerated individuals are being released into our communities in large numbers without the identification necessary to obtain gainful employment or housing. Barriers to employment may compel exiting individuals to turn to illegal activity in order to survive. Likewise, housing barriers may contribute to homelessness and recidivism, and they may negatively affect a formerly incarcerated individual's ability to reconnect with family, which is pivotal to success in re-entering the community and staying out of prison. Exiting individuals should be provided with adequate identification at or prior to discharge to facilitate successful re-entry into the community.

DPS conducted a survey in November and December of 2005 to determine the validity of the TDCJ offender ID card and found a 27 percent no-match rate due to inaccurate information on the card. Many inmates are incarcerated under an alias. The name they give when arrested and fingerprinted is the name that stays with them throughout their sentence and is the name used on the offender ID card. When an inmates are released and try to establish their real identity, the offender ID card often does not match. As a result, DPS has not been honoring TDCJ-issued offender ID cards as either a primary or secondary proof of identity to obtain a driver's license. CSHB 2161 would set up a process by which former inmates could obtain valid identification by requiring TDCJ to verify the information submitted for the ID.

**OPPONENTS
SAY:**

CSHB 2161 would not solve the security problems with issuing an ID to released inmates that have emerged since the requirement that DPS provisions were enacted in 2005. There would still be a problem of not being about to verify the ID, especially if the name on the offender ID does not match the person's real identity.

OTHER
OPPONENTS
SAY:

The problem with TDCJ-issued inmate ID is a lack of identity verification. The offender should have to produce supplemental verifiable records or documents, such as birth records or a social security number, to help establish identity. This problem could be solved by having the Bureau of Vital Statistics of the Department of State Health Services (DSHS) verify identity against the offender's birth records, in cooperation with TDCJ and DPS. Cooperation among the three state agencies in creating a personal identification certificate would provide assurance that any ID coming out of process would be authentic and verifiable.

NOTES:

The author intends to offer a floor substitute that includes the following:

- TDCJ would have to provide an inmate who is discharged or released on parole, mandatory supervision, or conditional parole with an ID;
- Prior to an inmate's release, the TDCJ would be required to determine if the inmate had a valid driver's license or a valid ID. If the inmate did not have either, TDCJ would be required to submit a request to DPS for an ID on the inmate's behalf as soon as possible to enable the inmate to be provided with the ID when the inmate is discharged or released;
- TDCJ, DPS, and the Bureau of Vital Statistics of the DSHS would be required, by rule, to adopt a memorandum of understanding establishing their respective responsibilities with respect to issuing an ID to an inmate, including verification of identity; and
- TDCJ would be required to reimburse DPS or DSHS for any costs incurred.

The substitute would also provide that any person out of state and from another country would not be provided with an ID from TDCJ.

A bill similar to the floor substitute, SB 1783 by Carona, passed the Senate by 31-0 on April 20 on the Local and Uncontested Calendar and has been referred to the House Public Safety Committee.