

By: Taylor of Collin

S. B. No. 281

A BILL TO BE ENTITLED

1 AN ACT

2 relating to limitations on the use of a biometric identifier by a
3 governmental body.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 560.001(1), Government Code, is amended
6 to read as follows:

13 SECTION 2. Chapter 560, Government Code, is amended by
14 adding Section 560.0015 to read as follows:

15 Sec. 560.0015. STATUTORY AUTHORITY REQUIRED. (a) A
16 governmental body may not capture or possess a biometric identifier
17 of an individual or require a biometric identifier as a
18 prerequisite for providing a governmental service to the individual
19 unless the governmental body has:

20 (1) specific, explicit statutory authority that:

21 (A) allows the governmental body to:

(ii) require a biometric identifier as a

1 prerequisite for providing a governmental service to the
2 individual; or

3 (B) allows the governmental body to require and
4 obtain the written consent of the individual or the individual's
5 legal guardian before:

6 (i) capturing or possessing the
7 individual's biometric identifier; or

8 (ii) requiring a biometric identifier as a
9 prerequisite for providing a governmental service to the
10 individual; or

11 (2) the voluntary, written consent of the individual
12 or the individual's legal guardian.

13 (b) For purposes of Subsection (a), Subchapter B, Chapter
14 33, Health and Safety Code, is specific, explicit statutory
15 authority under Subsection (a)(1)(A)(i) to capture or possess an
16 individual's biometric identifier in the conduct of newborn
17 screening as provided by that subchapter.

18 SECTION 3. Section 560.0015, Government Code, as added by
19 this Act, applies only to a biometric identifier captured or
20 requested on or after the effective date of this Act. A biometric
21 identifier captured or requested before that date is governed by
22 the law in effect immediately before the effective date of this Act,
23 and that law is continued in effect for that purpose.

24 SECTION 4. This Act takes effect September 1, 2017.