

Department of Finance and Administration

Legislative Impact Statement

Bill: HB1827

Bill Subtitle: CREATING THE PARENTS BILL OF RIGHTS; PROHIBITING CERTAIN ACTIONS; SPECIFYING RIGHTS; CLARIFYING THE OBLIGATIONS OF SCHOOL DISTRICTS AND CHARTER SCHOOLS; AND PROHIBITING CERTAIN ACTIONS WITHOUT CONSENT OF A PARENT OR CUSTODIAN.

Basic Change : Sponsor: Rep. Lowery

This bill creates the Parents' Bill of Rights prohibiting certain actions by governmental entities; specifying rights reserved to a parent or custodian; clarifying the obligations of school districts and charter schools; prohibiting certain actions without consent of a parent or guardian. This bill requires a parent to consent in writing before the state takes a video, picture, or voice recording of the minor child unless the video, picture, or voice recording of the minor child is used solely for the following:

1. A safety demonstration;
2. Surveillance of state buildings or grounds;
3. A photo identification card; or
4. A school

Current law at § 27-16-805 for the issuance of a photo identification card to persons 5 to 13 years of age requires they be accompanied by a parent, legal guardian, grandparent, or sibling over 18 years of age. For persons 14 years of age or older, there is no requirement the minor be accompanied by an adult to be issued an identification card as long as the minor has the required source documents. This bill defines parent as natural or adoptive parent of a minor child as determined by a court of competent jurisdiction in the state. Therefore, this bill conflicts with § 27-16-805 for minors who are 5 to 13 years of age by eliminating the requirement that a parent or guardian consent in writing to the issuance of the ID card. Also, the grandparent or sibling would no longer be able to consent to a person 5 to 13 years of age to obtain an ID card. The bill does not conflict with issuing identification cards to persons who are 14 years of age or older. This bill does not conflict with § 27-16-702 which requires a parent or legal guardian to sign the application for a person less than 18 years of age who is applying for a driving permit, learner's license or intermediate license.

Revenue Impact :

There is no revenue impact if this bill is passed.

Taxpayer Impact :

Parents, legal guardians, grandparents or siblings over 18 years of age would no longer be required to accompany a person age 5 to 13 years of age to obtain an identification card. However, the minors must still present the required source documents to the Revenue Office prior to receiving an identification card.

Resources Required :

No additional resources are required if this bill is passed.

Time Required :

There is no additional time required if this bill is passed.

Procedural Changes :

Procedures would be changed for issuance of identification cards to persons 5 to 13 years of age if this bill is passed.

Legal Analysis :

HB1827 creates the "Parents' Bill of Rights Act" which prohibits certain actions by governmental entities on minors without parental consent. The only relevance to DFA in HB1827, as proposed, is in regards to issuing ID cards and driver's licenses to minors. HB1827 states that a parent must consent in writing before the state takes a photograph of a minor child, with one exception being for photo identification cards. Currently, a minor must have parental consent to apply for a learner's permit or driver's license, or a parents' signed statement of financial responsibility. This form would need to include a consent to photograph.