

By: Toth

H.B. No. 1652

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a right of access to certain information after a lapse
3 of time.

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

5 SECTION 1. Section [552.0215](#), Government Code, is amended to
6 read as follows:

7 Sec. 552.0215. RIGHT OF ACCESS TO CERTAIN INFORMATION AFTER
8 150 [~~75~~] YEARS. (a) Except as provided by Section [552.147](#), the
9 confidentiality provisions of this chapter, or other law,
10 information that is not confidential but is excepted from required
11 disclosure under Subchapter C is public information and is
12 available to the public on or after the 150th [~~75th~~] anniversary of
13 the date the information was originally created or received by the
14 governmental body.

15 (b) This section does not limit the authority of a
16 governmental body to establish retention periods for records under
17 applicable law.

18 SECTION 2. Section [552.115](#), Government Code, is amended by
19 amending Subsections (a) and (d) read as follows:

20 (a) A birth or death record maintained by the vital
21 statistics unit of the Department of State Health Services or a
22 local registration official is excepted from the requirements of
23 Section [552.021](#), except that:

24 (1) a birth record is public information and available

1 to the public on and after the 150th [~~75th~~] anniversary of the date
2 of birth as shown on the record filed with the vital statistics unit
3 or local registration official;

4 (2) a death record is public information and available
5 to the public on and after the 25th anniversary of the date of death
6 as shown on the record filed with the vital statistics unit or local
7 registration official, except that if the decedent is unidentified,
8 the death record is public information and available to the public
9 on and after the first anniversary of the date of death;

10 (3) a general birth index or a general death index
11 established or maintained by the vital statistics unit or a local
12 registration official is public information and available to the
13 public to the extent the index relates to a birth record or death
14 record that is public information and available to the public under
15 Subdivision (1) or (2);

16 (4) a summary birth index or a summary death index
17 prepared or maintained by the vital statistics unit or a local
18 registration official is public information and available to the
19 public; and

20 (5) a birth or death record is available to the chief
21 executive officer of a home-rule municipality or the officer's
22 designee if:

23 (A) the record is used only to identify a
24 property owner or other person to whom the municipality is required
25 to give notice when enforcing a state statute or an ordinance;

26 (B) the municipality has exercised due diligence
27 in the manner described by Section [54.035\(e\)](#), Local Government

1 Code, to identify the person; and

2 (C) the officer or designee signs a confidentiality
3 agreement that requires that:

4 (i) the information not be disclosed outside the
5 office of the officer or designee, or within the office for a
6 purpose other than the purpose described by Paragraph (A);

7 (ii) the information be labeled as confidential;

8 (iii) the information be kept securely; and

9 (iv) the number of copies made of the information
10 or the notes taken from the information that implicate the
11 confidential nature of the information be controlled, with all
12 copies or notes that are not destroyed or returned remaining
13 confidential and subject to the confidentiality agreement.

14 (d) For the purposes of fulfilling the terms of the
15 agreement in Subsection (c), the Genealogical Society of Utah shall
16 have access to birth records on and after the 50th anniversary of
17 the date of birth as shown on the record filed with the bureau of
18 vital statistics or local registration official, but such birth
19 records shall not be made available to the public until the 150th
20 [~~75th~~] anniversary of the date of birth as shown on the record.

21 SECTION 3. Section 552.140(b), Government Code, is amended
22 to read as follows:

23 (b) The record is confidential for the 132 [~~75~~] years
24 following the date it is recorded with or otherwise first comes into
25 the possession of a governmental body. During that period the
26 governmental body may permit inspection or copying of the record or
27 disclose information contained in the record only in accordance

1 with this section or in accordance with a court order.

2 SECTION 4. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2023.