

BILL ANALYSIS

Senate Research Center

S.B. 861
By: Janek
State Affairs
7/8/2003
Enrolled

DIGEST AND PURPOSE

Currently, a birth record becomes public information on or after the 50th anniversary of the date of birth. Birth certificates can be used to establish false identity and gain access to certain state and federal benefits. National studies have identified problems with false identification regarding the misuse of birth certificates. S.B. 861 changes the date on which a birth record becomes public information to on or after the 75th anniversary of the date of birth.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 552.115, Government Code, by amending Subsection (a) and adding Subsections (c),(d), and (e) as follows:

- (a) Changes the date on which a birth record is public information and available to the public to the 75th, rather than the 50th, anniversary of the date of birth as shown on the record filed with the bureau of vital statistics or local registration official.
- (c) Provides that Subsection (a)(1) does not apply to the microfilming agreement entered into by the Genealogical Society of Utah, a nonprofit corporation organized under the laws of the State of Utah, and the Archives and Information Services Division of the Texas State Library and Archives Commission.
- (d) Requires the Genealogical Society of Utah, for the purposes of fulfilling the terms of the agreement in Subsection (c), to have access to birth records on or after the 50th anniversary of the date of birth as shown on the record filed with the bureau of vital statistics or local registration official, but requires that such birth records not be made available to the public until the 75th anniversary of the date of birth as shown on the record.

[Bill, as enrolled, does not contain a Subsection (e)]

SECTION 2. Amends Section 191.004(c), Local Government Code, to provide that Subsection (a) does not apply to birth and death records maintained under the vital statistics laws of this state as provided by Title 3 (Vital Statistics), Health and Safety Code. Requires the county clerk to allow access to and give attested copies of those records only as provided by the vital statistics laws, rules adopted under those laws, and Chapter 552 (Public Information), Government Code.

SECTION 3. Effective date: September 1, 2003.