

By: Janek

S.B. No. 861

A BILL TO BE ENTITLED

AN ACT

relating to access to birth records under the public information law.

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

SECTION 1. Section 552.115, Government Code, is amended by amending Subsection (a) and adding Subsections (c) and (d) to read as follows:

(a) A birth or death record maintained by the bureau of vital statistics of the Texas Department of Health or a local registration official is excepted from the requirements of Section 552.021, except that:

(1) a birth record is public information and available to the public on and after the 75th [~~50th~~] anniversary of the date of birth as shown on the record filed with the bureau of vital statistics or local registration official;

(2) a death record is public information and available to the public on and after the 25th anniversary of the date of death as shown on the record filed with the bureau of vital statistics or local registration official;

(3) a general birth index or a general death index established or maintained by the bureau of vital statistics or a local registration official is public information and available to the public to the extent the index relates to a birth record or death record that is public information and available to the public

1 under Subdivision (1) or (2);

2 (4) a summary birth index or a summary death index  
3 prepared or maintained by the bureau of vital statistics or a local  
4 registration official is public information and available to the  
5 public; and

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

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

12 (B) the municipality has exercised due diligence  
13 in the manner described by Section 54.035(e), Local Government  
14 Code, to identify the person; and

15 (C) the officer or designee signs a  
16 confidentiality agreement that requires that:

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

20 (ii) the information be labeled as  
21 confidential;

22 (iii) the information be kept securely; and

23 (iv) the number of copies made of the  
24 information or the notes taken from the information that implicate  
25 the confidential nature of the information be controlled, with all  
26 copies or notes that are not destroyed or returned remaining  
27 confidential and subject to the confidentiality agreement.

1        (c) Subsection (a)(1) does not apply to the microfilming  
2 agreement entered into by the Genealogical Society of Utah, a  
3 nonprofit corporation organized under the laws of the State of  
4 Utah, and the Archives and Information Services Division of the  
5 Texas State Library and Archives Commission.

6        (d) For the purposes of fulfilling the terms of the  
7 agreement in Subsection (c), the Genealogical Society of Utah shall  
8 have access to birth records on and after the 50th anniversary of  
9 the date of birth as shown on the record filed with the bureau of  
10 vital statistics or local registration official.

11        SECTION 2. Subsection (c), Section 191.004, Local  
12 Government Code, is amended to read as follows:

13        (c) Subsection (a) does not apply to birth and death records  
14 maintained under the vital statistics laws of this state as  
15 provided by Title 3, Health and Safety Code [~~Chapter 41, Acts of the~~  
16 ~~40th Legislature, 1st Called Session, 1927 (Rules 34a-55a, Article~~  
17 ~~4477, Vernon's Texas Civil Statutes)]. The [~~county clerk shall~~  
18 ~~allow access to and give attested copies of a birth record on and~~  
19 ~~after the 50th anniversary of the date on which it is filed and~~  
20 ~~shall allow access to and give attested copies of a death record on~~  
21 ~~and after the 25th anniversary of the date on which it is filed.~~  
22 ~~Before that time, the] county clerk shall allow access to and give  
23 attested copies of those records only as provided by the vital  
24 statistics laws, [and] rules adopted under those laws, and Chapter  
25 552, Government Code.~~~~

26        SECTION 3. This Act takes effect September 1, 2003.