

By: Janek

S.B. No. 861

Substitute the following for S.B. No. 861:

By: Elkins

C.S.S.B. No. 861

A BILL TO BE ENTITLED

AN ACT

1
2 relating to access to birth records under the public information
3 law.

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

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

8 (a) A birth or death record maintained by the bureau of
9 vital statistics of the Texas Department of Health or a local
10 registration official is excepted from the requirements of Section
11 552.021, except that:

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

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

20 (3) a general birth index or a general death index
21 established or maintained by the bureau of vital statistics or a
22 local registration official is public information and available to
23 the public to the extent the index relates to a birth record or
24 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 (e) The Genealogical Society of Utah may not sell or
12 otherwise make available to any individual or other entity any
13 birth record to which the society gains access under an agreement
14 with the archives and information services division of the Texas
15 State Library and Archives Commission.

16 SECTION 2. Section 191.004(c), Local Government Code, is
17 amended to read as follows:

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

1 attested copies of those records only as provided by the vital
2 statistics laws, ~~and~~ rules adopted under those laws, and Chapter
3 552, Government Code.

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