

1-1 By: Janek S.B. No. 861  
1-2 (In the Senate - Filed March 4, 2003; March 10, 2003, read  
1-3 first time and referred to Committee on State Affairs;  
1-4 March 26, 2003, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 8, Nays 0; March 26, 2003,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 861 By: Armbrister

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to access to birth records under the public information  
1-11 law.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 552.115, Government Code, is amended by  
1-14 amending Subsection (a) and adding Subsections (c) and (d) to read  
1-15 as follows:

1-16 (a) A birth or death record maintained by the bureau of  
1-17 vital statistics of the Texas Department of Health or a local  
1-18 registration official is excepted from the requirements of Section  
1-19 552.021, except that:

1-20 (1) a birth record is public information and available  
1-21 to the public on and after the 75th [~~50th~~] anniversary of the date  
1-22 of birth as shown on the record filed with the bureau of vital  
1-23 statistics or local registration official;

1-24 (2) a death record is public information and available  
1-25 to the public on and after the 25th anniversary of the date of death  
1-26 as shown on the record filed with the bureau of vital statistics or  
1-27 local registration official;

1-28 (3) a general birth index or a general death index  
1-29 established or maintained by the bureau of vital statistics or a  
1-30 local registration official is public information and available to  
1-31 the public to the extent the index relates to a birth record or  
1-32 death record that is public information and available to the public  
1-33 under Subdivision (1) or (2);

1-34 (4) a summary birth index or a summary death index  
1-35 prepared or maintained by the bureau of vital statistics or a local  
1-36 registration official is public information and available to the  
1-37 public; and

1-38 (5) a birth or death record is available to the chief  
1-39 executive officer of a home-rule municipality or the officer's  
1-40 designee if:

1-41 (A) the record is used only to identify a  
1-42 property owner or other person to whom the municipality is required  
1-43 to give notice when enforcing a state statute or an ordinance;

1-44 (B) the municipality has exercised due diligence  
1-45 in the manner described by Section 54.035(e), Local Government  
1-46 Code, to identify the person; and

1-47 (C) the officer or designee signs a  
1-48 confidentiality agreement that requires that:

1-49 (i) the information not be disclosed  
1-50 outside the office of the officer or designee, or within the office  
1-51 for a purpose other than the purpose described by Paragraph (A);

1-52 (ii) the information be labeled as  
1-53 confidential;

1-54 (iii) the information be kept securely; and

1-55 (iv) the number of copies made of the  
1-56 information or the notes taken from the information that implicate  
1-57 the confidential nature of the information be controlled, with all  
1-58 copies or notes that are not destroyed or returned remaining  
1-59 confidential and subject to the confidentiality agreement.

1-60 (c) Subsection (a)(1) does not apply to the microfilming  
1-61 agreement entered into by the Genealogical Society of Utah, a  
1-62 nonprofit corporation organized under the laws of the State of  
1-63 Utah, and the Archives and Information Services Division of the

2-1 Texas State Library and Archives Commission.

2-2 (d) For the purposes of fulfilling the terms of the  
2-3 agreement in Subsection (c), the Genealogical Society of Utah shall  
2-4 have access to birth records on and after the 50th anniversary of  
2-5 the date of birth as shown on the record filed with the bureau of  
2-6 vital statistics or local registration official.

2-7 SECTION 2. Subsection (c), Section 191.004, Local  
2-8 Government Code, is amended to read as follows:

2-9 (c) Subsection (a) does not apply to birth and death records  
2-10 maintained under the vital statistics laws of this state as  
2-11 provided by Title 3, Health and Safety Code [Chapter 41, Acts of the  
2-12 40th Legislature, 1st Called Session, 1927 (Rules 34a-55a, Article  
2-13 4477, Vernon's Texas Civil Statutes)]. The [county clerk shall  
2-14 allow access to and give attested copies of a birth record on and  
2-15 after the 50th anniversary of the date on which it is filed and  
2-16 shall allow access to and give attested copies of a death record on  
2-17 and after the 25th anniversary of the date on which it is filed.  
2-18 Before that time, the] county clerk shall allow access to and give  
2-19 attested copies of those records only as provided by the vital  
2-20 statistics laws, [and] rules adopted under those laws, and Chapter  
2-21 552, Government Code.

2-22 SECTION 3. This Act takes effect September 1, 2003.

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