

By: Farney, Thompson of Harris, et al.

H.B. No. 2794

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a delayed birth certificate; creating a criminal
3 offense.

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

5 SECTION 1. Section 25.0021(b), Government Code, is amended
6 to read as follows:

7 (b) A statutory probate court as that term is defined in
8 Section 22.007, Estates [~~3(ii), Texas Probate~~] Code, has:

9 (1) the general jurisdiction of a probate court as
10 provided by the Estates [~~Texas Probate~~] Code; and

11 (2) the jurisdiction provided by law for a county
12 court to hear and determine actions, cases, matters, or proceedings
13 instituted under:

14 (A) Section 166.046, [~~192.027~~] 193.007,
15 552.015, 552.019, 711.004, or 714.003, Health and Safety Code;

16 (B) Chapter 462, Health and Safety Code; or

17 (C) Subtitle C or D, Title 7, Health and Safety
18 Code.

19 SECTION 2. Section 192.026(b), Health and Safety Code, is
20 amended to read as follows:

21 (b) On the state registrar's refusal to register a
22 certificate under Subsection (a), the state registrar shall:

23 (1) furnish the applicant a statement of the reasons
24 for the refusal; and

1 (2) advise the applicant of the right to appeal to the
2 district [county] court with jurisdiction over [for probate matters
3 of] the county in which the birth occurred, or in the district court
4 with jurisdiction over the county in which the person resides, as
5 provided by Section 192.027.

6 SECTION 3. Section 192.027, Health and Safety Code, is
7 amended by amending Subsections (a) and (d) and adding Subsection
8 (b-1) to read as follows:

9 (a) If a delayed birth certificate is not accepted for
10 registration by the state registrar, the person may file a petition
11 in the district [county-probate] court with jurisdiction over [of]
12 the county in which the birth occurred, or in the district court
13 with jurisdiction over the county in which the person resides, for
14 an order establishing a record of the person's date of birth, place
15 of birth, and parentage.

16 (b-1) The petition must include:

17 (1) the name and place of residence of the petitioner;
18 (2) whether the petitioner has been the subject of a
19 final felony conviction;

20 (3) whether the petitioner is subject to the
21 registration requirements of Chapter 62, Code of Criminal
22 Procedure; and

23 (4) a legible and complete set of the petitioner's
24 fingerprints on a fingerprint card format acceptable to the
25 Department of Public Safety and the Federal Bureau of
26 Investigation.

27 (d) If, after a hearing, the court finds from the evidence

1 submitted to the registrar and any other relevant evidence
2 presented by the person that the person was born in this state, the
3 court shall:

4 (1) make findings as to the person's date and place of
5 birth and parentage;

6 (2) make other findings required by the case; and

7 (3) enter an order on a form prescribed and furnished
8 by the department to establish a record of birth.

9 SECTION 4. Subchapter B, Chapter 192, Health and Safety
10 Code, is amended by adding Sections 192.028 and 192.029 to read as
11 follows:

12 Sec. 192.028. APPOINTMENT OF ATTORNEY AD LITEM. A judge of
13 a district court may appoint an attorney ad litem in a proceeding
14 under Section 192.027 to represent the interests of the person
15 seeking the delayed birth certificate.

16 Sec. 192.029. REFUSAL TO SIGN AFFIDAVIT OF PERSONAL
17 KNOWLEDGE. (a) A parent of a person who is seeking a delayed birth
18 certificate under this subchapter shall sign an affidavit of
19 personal knowledge acknowledging that the individual is the parent
20 of the person seeking the delayed birth certificate if:

21 (1) the person seeking a delayed birth certificate, a
22 managing conservator or guardian of the person, or, if the person is
23 a minor, another person with custody of the minor has requested the
24 person's parent to sign the affidavit of personal knowledge; and

25 (2) the parent's affidavit of personal knowledge is
26 necessary for the issuance of the birth certificate because the
27 person seeking the delayed birth certificate is unable to provide

1 sufficient alternative documentary evidence as required by Section
2 192.025.

3 (b) A parent shall sign an affidavit as described by
4 Subsection (a) not later than the 30th day after the date a request
5 is made as described by Subsection (a)(1).

6 (c) A person who is a parent of a person seeking a delayed
7 birth certificate and who fails to sign an affidavit of personal
8 knowledge as required by this section:

9 (1) commits an offense punishable as a Class B
10 misdemeanor if the request under Subsection (a)(1) is made on or
11 after the fourth anniversary of the date of birth but before the
12 15th anniversary of the date of birth; or

13 (2) commits an offense punishable as a Class A
14 misdemeanor if the request under Subsection (a)(1) is made on or
15 after the 15th anniversary of the date of birth.

16 SECTION 5. This Act takes effect September 1, 2015.