

By: Guillen

H.B. No. 3504

A BILL TO BE ENTITLED

AN ACT

relating to the availability of death records of unidentified persons.

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

SECTION 1. Section 552.115(a), Government Code, is amended to read as follows:

(a) A birth or death record maintained by the ~~[bureau of]~~ vital statistics unit of the ~~[Texas]~~ Department of State Health Services 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 anniversary of the date of birth as shown on the record filed with the ~~[bureau of]~~ vital statistics unit 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 unit or local registration official, except that if the decedent is unidentified, the death record is public information and available to the public on and after the first anniversary of the date of death;

(3) a general birth index or a general death index established or maintained by the ~~[bureau of]~~ vital statistics unit or a local registration official is public information and

1 available to the public to the extent the index relates to a birth  
2 record or death record that is public information and available to  
3 the public under Subdivision (1) or (2);

4 (4) a summary birth index or a summary death index  
5 prepared or maintained by the [~~bureau of~~] vital statistics unit or a  
6 local registration official is public information and available to  
7 the public; and

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

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

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

17 (C) the officer or designee signs a  
18 confidentiality agreement that requires that:

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

22 (ii) the information be labeled as  
23 confidential;

24 (iii) the information be kept securely; and

25 (iv) the number of copies made of the  
26 information or the notes taken from the information that implicate  
27 the confidential nature of the information be controlled, with all

1 copies or notes that are not destroyed or returned remaining  
2 confidential and subject to the confidentiality agreement.

3       SECTION 2. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2015.