

BILL ANALYSIS

Senate Research Center
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S.B. 1341
By: West
Health & Human Services
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

By May 7, 2025, all Texas driver's licenses and state-issued identification cards are required to be REAL ID compliant. As a result, any applicant for a new driver's license and those whose licenses will renew, must submit certain documents as proof of U.S. citizenship or of lawful presence in this country.

First on the Texas Department of Public Safety's (DPS) list of documents that can be used as proof of citizenship or of lawful presence is the birth certificate. For anyone born in a Texas hospital, that is not a problem. Hospitals are required by law to document all births. That information is submitted to county and state officials who are responsible for the issuance of a birth certificate.

However, there are Texans who were not born in a hospital. Many of them are senior citizens who were born in their homes, some to midwives. For them, it has proven extremely difficult, if not impossible, to obtain their birth certificate.

DPS allows submittal of various identifying documents that typically result in the issuance of a driver license or state identification card. The Texas Department of State Health Services (DSHS) and its Vital Statistics Section also has a list of requirements and documents to be submitted by those attempting to obtain a birth certificate through the Delayed Birth Registration process that is outlined in Chapter 192 of the Health and Safety Code and Chapter 181 of the Texas Administrative Code (TAC).

One of the required items is a valid driver's license or identification card. Other items for review include proof of the applicant's date of birth, place of birth, parents' names, the applicant's name at birth, school records, information from the Social Security Administration, documents from the military, or an Affidavit of Birth Facts. However, by TAC rule, any one document that contains information contradictory to information contained in other documents is grounds for denial of the application. For example, say official records submitted lists the applicant's last name as that of biological father and another lists the last name of a stepfather. Both facts are true but would cause the application to be denied.

When an application is denied, it can be appealed to a probate or district court in the applicant's county of birth or residence. The courts can issue an order to the state registrar, which will establish the record of birth. The courts are not bound by TAC's rule regarding contradictory information. This is a cumbersome and frustrating process that is forced onto seniors and other Texans through no fault of their own. The goal of S.B. 1341 is to provide greater guidance to the Department of State Health Services and the state registrar in their review of delayed birth registration applications.

In 2022, DSHS received 786 delayed birth registration applications; 327 were from applicants ages 65 and over. Three-hundred-six (306) denied applications were referred to the courts, 196 were from applicants ages 65 and over.

S.B. 1341:

- Prohibits the state registrar from denying an application for delayed birth registration based solely on the presence of information that contradicts other evidence submitted.

- Requires the registrar to consider the preponderance of information presented by an applicant and to determine whether evidence exists that places in doubt, the place of birth as submitted by the applicant.
- Requires the registrar to place greater emphasis within their review, on a valid driver's license or state identification card and to a valid affidavit of birth facts or affidavit of personal knowledge.

As proposed, S.B. 1341 amends current law relating to the application review process for certain delayed birth certificates.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 192.025, Health and Safety Code, by adding Subsection (f), as follows:

(f) Prohibits the state registrar from rejecting an application under Subchapter B (Delayed Registration) based solely on the inclusion of supporting evidence that contains inconsistent or contradictory information if, based on the contents of the application as a whole, the state registrar determines by a preponderance of the evidence the applicant's identity and place of birth. Requires the state registrar, in making a determination under this subsection, to consider and give weight to any supporting evidence that raises a legitimate question as to the applicant's actual place of birth, the inclusion of a valid driver's license or personal identification certificate, and the inclusion of a verified affidavit by a person with personal knowledge of the applicant's identity.

SECTION 2. Effective date: September 1, 2023.