By:  Toth H.B. No. 1652

A BILL TO BE ENTITLED

AN ACT

relating to a right of access to certain information after a lapse of time.

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

SECTION 1.  Section 552.0215, Government Code, is amended to read as follows:

Sec. 552.0215.  RIGHT OF ACCESS TO CERTAIN INFORMATION AFTER 150 [~~75~~] YEARS. (a) Except as provided by Section 552.147, the confidentiality provisions of this chapter, or other law, information that is not confidential but is excepted from required disclosure under Subchapter C is public information and is available to the public on or after the 150th [~~75th~~] anniversary of the date the information was originally created or received by the governmental body.

(b)  This section does not limit the authority of a governmental body to establish retention periods for records under applicable law.

SECTION 2.  Section 552.115, Government Code, is amended by amending Subsections (a) and (d) read as follows:

(a)  A birth or death record maintained by the vital statistics unit of the 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 150th [~~75th~~] anniversary of the date of birth as shown on the record filed with the 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 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 vital statistics unit or a local registration official is public information and available to the public to the extent the index relates to a birth record or death record that is public information and available to the public under Subdivision (1) or (2);

(4)  a summary birth index or a summary death index prepared or maintained by the vital statistics unit or a local registration official is public information and available to the public; and

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

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

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

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

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

(ii)  the information be labeled as confidential;

(iii)  the information be kept securely; and

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

(d)  For the purposes of fulfilling the terms of the agreement in Subsection (c), the Genealogical Society of Utah shall have access to birth records on and after the 50th anniversary of the date of birth as shown on the record filed with the bureau of vital statistics or local registration official, but such birth records shall not be made available to the public until the 150th [~~75th~~] anniversary of the date of birth as shown on the record.

SECTION 3.  Section 552.140(b), Government Code, is amended to read as follows:

(b)  The record is confidential for the 132 [~~75~~] years following the date it is recorded with or otherwise first comes into the possession of a governmental body. During that period the governmental body may permit inspection or copying of the record or disclose information contained in the record only in accordance with this section or in accordance with a court order.

SECTION 4.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.