

## **BILL ANALYSIS**

Senate Research Center

S.B. 227  
By: West  
Health & Human Services  
6/11/2025  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Contains language that passed the Senate in 2023 that codifies a rule passed by the Commission in July 2023, to allow a birth certificate to be issued if the information of one parent does not contain contradictory information. By next month, May 7, 2025, all Texas driver's licenses and state-issued identification cards are required to be REAL ID compliant. This means any applicant for a new driver's license, or for license renewal, must submit certain documents as proof of U.S. citizenship or of lawful presence in this country. As a result, many Texans who have held a driver's license for decades are now unable to renew their licenses due to their inability to produce a birth certificate.

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 thousand of Texans who were not born in a hospital. Many are senior citizens who were born in their homes in rural and urban areas, some to midwives. For them, it has proven extremely difficult, if not impossible, to obtain their birth certificates.

DPS has implemented a process where applicants can submit various identifying documents that typically results in the issuance of a driver's 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 their birth certificates through the delayed birth registration process that is outlined in the Chapter 192 of the Texas Health & Safety Code and Chapter 181 of the Texas Administrative Code (TAC).

Required items include a valid driver's license or state identification card. Other required items 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 previous TAC rule, any document that contains information contradictory to information contained in other documents was grounds for application denial. For example, if official records lists the applicant's last name as that of biological father and another lists the last name of a stepfather, the application was denied, even though both facts are true.

A denied application 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 frustrating process that has been forced onto seniors and other Texans through no fault of their own. The goal of S.B. 227 is to provide greater guidance to DSHS 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 age 65 and over. Three hundred and six of the 786 denied applications were referred to the courts; 196 of these were from applicants age 65 and over. Ten were due to contradictory information.

In 2024, DSHS received 588 delayed birth registration applications: 215 were from applicants age 65 and over. Seventy-eight of 588 denied applications were referred to the courts. Twentyeight of the 77 applicants were age 65 and over. Seventy-one of the 77 applications referred six were due to contradictory information in the applicants' documentation.

This legislation was first filed in during the 88th Legislature. S.B. 1341 passed the Senate on May 1, 2023, by a vote of 30 to 1 and reported out of House Public Health on a formal vote on May 18, 2023, without amendments.

S.B. 227:

- 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 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.
- Contains language that passed the Senate in 2023 that codifies a rule passed by the commission in July 2023, to allow a birth certificate to be issued if the information of one parent does not contain contradictory information.

(Original Author's/Sponsor's Statement of Intent)

S.B. 227 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. Requires that this Act be known as the Charles Edward Barton Act.

SECTION 2. Amends Section 192.025, Health and Safety Code, by adding Subsections (f) and (g), 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 certain information.

(g) Requires the state registrar, notwithstanding any other law, if a delayed birth certificate of a person who was born before January 1, 1971, is otherwise acceptable for registration and the identity of one parent of the person is established by information not contradictory to information available to the state registrar, to register the certificate with only the established parent's name entered on the certificate.

SECTION 3. Effective date: September 1, 2025.