

## **BILL ANALYSIS**

C.S.H.B. 3535  
By: Hunter  
State Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Dates of birth are found in a multitude of public records, including the sex offender database, jail records, civil legal filings, election candidate applications, and voter registration rolls. However, public access to dates of birth has been restricted since a court ruling that held this information was not subject to disclosure under state public information law. Access to dates of birth is vitally important for a variety of purposes, including some business transactions, discovering voter fraud, and ensuring that registered sex offenders are not being allowed to work around children. Public access to dates of birth does not create significant privacy or security issues, as identity theft and fraud are not problems commonly associated with the release of a date of birth unaccompanied by other key identifiers. C.S.H.B. 3535 seeks to restore the ability of the public to obtain dates of birth under state public information law, with limited exceptions.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 3535 amends the Government Code to establish that state public information law does not authorize a governmental body to withhold a date of birth except as permitted by confidentiality protections under state law for certain information in a personnel file, by federal HIPAA privacy requirements, or as otherwise provided by constitutional or statutory law.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 3535 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes withholding a date of birth, as permitted by provisions relating to certain personnel information, among the circumstances under which a governmental body may withhold such information, whereas the original did not.