

## **BILL ANALYSIS**

Senate Research Center  
76R15618 JD-F

C.S.H.B. 836  
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Human Services  
5/12/1999  
Committee Report (Substituted)

### **DIGEST**

Currently, records in Texas are sealed 50 years after the date of a person's birth and 25 years after a person's death. Because indexes to these records are not addressed directly in the Government Code, many county clerks seal the indexes along with the actual records. This causes problems for genealogists and people searching for relatives. Additionally, many county clerks have expressed confusion as to whether or not they should seal the indexes with the records. C.S.H.B 836 sets forth regulations regarding access under the public information law to birth and death indexes.

### **PURPOSE**

As proposed, C.S.H.B. 836 sets forth regulations regarding access under the public information law to birth and death indexes.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 552.115, Government Code, to exempt a birth or death record maintained by a local registration official (official) from the requirements of Section 552.021, except that: a birth record is available to the public on and after the 50th anniversary of the date of birth as shown and a death record is available to the public on the 25th anniversary of the death as shown on the record filed with the bureau of vital statistics of the Texas Department of Health (bureau); a general birth or death index established or maintained by the bureau or an official is public information and available to the public to the extent that a birth or death record is available to the public under Subdivision (1) or (2); and a summary birth or death index maintained by the bureau or an official is public information and available to the public. Provides that a general or summary birth index is not public information and is not available to the public if the fact of an adoption or paternity determination can be revealed by the index, or the index contains specific identifying information relating to the parents of a child who is the subject of an adoption placement. Makes conforming and nonsubstantive changes.

SECTION 2. Emergency clause.  
Effective date: upon passage.