

BILL ANALYSIS

Senate Research Center
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H.B. 1117
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Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Legitimate birth certificates provide vital information about the person whose name appears on the certificate. While originally intended solely for birth registration, birth certificates are now used extensively for employment purposes and to obtain benefits or other documents used for identification. However, over the last 25 years, a number of studies have concluded that misuse of birth certificates for false identification is a major factor in crime and that many federal fugitives and drug trafficking crimes are associated with false identification. These studies also conclude that stolen, counterfeit, and altered birth certificates are often used as "breeder documents," which allow the holder to obtain other documents to create new identities. Changing statute by requiring a medical professional to verify a birth certificate by certain means may reduce the number of opportunities to illegally obtain a birth certificate.

H.B. 1117 requires a medical professional to file the birth certificate or to sign the professional's name on a document attesting to the approximate age of the child.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

[While the statutory reference in this bill is to the Texas Department of Health (TDH), the following amendments affect the Department of State Health Services, as the successor agency to TDH.]

SECTION 1. Amends Section 192.003, Health and Safety Code, by amending Subsections (a), (b), and (c), and adding Subsections (f) and (g), as follows:

- (a) Requires the physician or other health care practitioner in attendance at a birth to certify and have filed, rather than file, the birth certificate with the local registrar of the registration district in which the birth occurs. Deletes existing text making the same requirement of a midwife or a person acting as a midwife.
- (b) Authorizes certain entities to file the birth certificate, if a birth occurs in a hospital or birthing center, that is certified by the physician or other health care practitioner under Subsection (a), rather than in lieu of a person listed by Subsection (a).
- (c) Requires a person in attendance at the birth, if a physician or other health care practitioner is not in attendance, to file the birth certificate. Prohibits the local registrar of a registration district to accept a birth certificate filed under this subsection unless the person filing the certificate presents the sworn affidavit of a person in attendance at the birth stating that the child was born in this state and a sworn affidavit of a physician's assistant, advanced practice nurse, or midwife attesting to the approximate age of the child. Deletes existing text requiring certain persons to report the birth to the local registrar if the birth does not occur in a hospital or birthing center.
- (f) Authorizes the Texas Department of Health (TDH) to prescribe the form and the contents of the affidavits required under Subsection (c).

(g) Defines "health care practitioner."

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.