

1-1 By: Farney, et al. (Senate Sponsor - Zaffirini) H.B. No. 2794  
 1-2 (In the Senate - Received from the House May 12, 2015;  
 1-3 May 13, 2015, read first time and referred to Committee on State  
 1-4 Affairs; May 22, 2015, reported favorably by the following vote:  
 1-5 Yeas 7, Nays 0; May 22, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Huffman	X			
1-8 Ellis	X			
1-9 Birdwell	X			
1-10 Creighton	X			
1-11 Estes	X			
1-12 Fraser			X	
1-13 Nelson			X	
1-14 Schwertner	X			
1-15 Zaffirini	X			

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to a delayed birth certificate; creating a criminal  
 1-20 offense.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 25.0021(b), Government Code, is amended  
 1-23 to read as follows:

1-24 (b) A statutory probate court as that term is defined in  
 1-25 Section 22.007, Estates [3(ii), Texas Probate] Code, has:

1-26 (1) the general jurisdiction of a probate court as  
 1-27 provided by the Estates [Texas Probate] Code; and

1-28 (2) the jurisdiction provided by law for a county  
 1-29 court to hear and determine actions, cases, matters, or proceedings  
 1-30 instituted under:

1-31 (A) Section 166.046, [192.027], 193.007,  
 1-32 552.015, 552.019, 711.004, or 714.003, Health and Safety Code;

1-33 (B) Chapter 462, Health and Safety Code; or

1-34 (C) Subtitle C or D, Title 7, Health and Safety  
 1-35 Code.

1-36 SECTION 2. Section 192.026(b), Health and Safety Code, is  
 1-37 amended to read as follows:

1-38 (b) On the state registrar's refusal to register a  
 1-39 certificate under Subsection (a), the state registrar shall:

1-40 (1) furnish the applicant a statement of the reasons  
 1-41 for the refusal; and

1-42 (2) advise the applicant of the right to appeal to the  
 1-43 district [county] court with jurisdiction over [for probate matters  
 1-44 of] the county in which the birth occurred, or in the district court  
 1-45 with jurisdiction over the county in which the person resides, as  
 1-46 provided by Section 192.027.

1-47 SECTION 3. Section 192.027, Health and Safety Code, is  
 1-48 amended by amending Subsections (a) and (d) and adding Subsection  
 1-49 (b-1) to read as follows:

1-50 (a) If a delayed birth certificate is not accepted for  
 1-51 registration by the state registrar, the person may file a petition  
 1-52 in the district [county probate] court with jurisdiction over [of]  
 1-53 the county in which the birth occurred, or in the district court  
 1-54 with jurisdiction over the county in which the person resides, for  
 1-55 an order establishing a record of the person's date of birth, place  
 1-56 of birth, and parentage.

1-57 (b-1) The petition must include:

1-58 (1) the name and place of residence of the petitioner;

1-59 (2) whether the petitioner has been the subject of a  
 1-60 final felony conviction;

1-61 (3) whether the petitioner is subject to the

2-1 registration requirements of Chapter 62, Code of Criminal  
2-2 Procedure; and

2-3 (4) a legible and complete set of the petitioner's  
2-4 fingerprints on a fingerprint card format acceptable to the  
2-5 Department of Public Safety and the Federal Bureau of  
2-6 Investigation.

2-7 (d) If, after a hearing, the court finds from the evidence  
2-8 submitted to the registrar and any other relevant evidence  
2-9 presented by the person that the person was born in this state, the  
2-10 court shall:

2-11 (1) make findings as to the person's date and place of  
2-12 birth and parentage;

2-13 (2) make other findings required by the case; and

2-14 (3) enter an order on a form prescribed and furnished  
2-15 by the department to establish a record of birth.

2-16 SECTION 4. Subchapter B, Chapter 192, Health and Safety  
2-17 Code, is amended by adding Sections 192.028 and 192.029 to read as  
2-18 follows:

2-19 Sec. 192.028. APPOINTMENT OF ATTORNEY AD LITEM. A judge of  
2-20 a district court may appoint an attorney ad litem in a proceeding  
2-21 under Section 192.027 to represent the interests of the person  
2-22 seeking the delayed birth certificate.

2-23 Sec. 192.029. REFUSAL TO SIGN AFFIDAVIT OF PERSONAL  
2-24 KNOWLEDGE. (a) A parent of a person who is seeking a delayed birth  
2-25 certificate under this subchapter shall sign an affidavit of  
2-26 personal knowledge acknowledging that the individual is the parent  
2-27 of the person seeking the delayed birth certificate if:

2-28 (1) the person seeking a delayed birth certificate, a  
2-29 managing conservator or guardian of the person, or, if the person is  
2-30 a minor, another person with custody of the minor has requested the  
2-31 person's parent to sign the affidavit of personal knowledge; and

2-32 (2) the parent's affidavit of personal knowledge is  
2-33 necessary for the issuance of the birth certificate because the  
2-34 person seeking the delayed birth certificate is unable to provide  
2-35 sufficient alternative documentary evidence as required by Section  
2-36 192.025.

2-37 (b) A parent shall sign an affidavit as described by  
2-38 Subsection (a) not later than the 30th day after the date a request  
2-39 is made as described by Subsection (a)(1).

2-40 (c) A person who is a parent of a person seeking a delayed  
2-41 birth certificate and who fails to sign an affidavit of personal  
2-42 knowledge as required by this section:

2-43 (1) commits an offense punishable as a Class B  
2-44 misdemeanor if the request under Subsection (a)(1) is made on or  
2-45 after the fourth anniversary of the date of birth but before the  
2-46 15th anniversary of the date of birth; or

2-47 (2) commits an offense punishable as a Class A  
2-48 misdemeanor if the request under Subsection (a)(1) is made on or  
2-49 after the 15th anniversary of the date of birth.

2-50 SECTION 5. This Act takes effect September 1, 2015.

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