

SECOND REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 1634

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BEHNEN.

Read 1st time March 4, 2004, and copies ordered printed.

Read 2nd time March 8, 2004 and referred to the Committee on Local Government March 8, 2004.

Reported from the Committee on Local Government March 11, 2004, with recommendation that the bill Do Pass by Consent.

Perfectured by Consent March 29, 2004.

STEPHEN S. DAVIS, Chief Clerk

4899L.01P

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### AN ACT

To repeal section 59.480, RSMo, and to enact in lieu thereof one new section relating to military discharge records.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 59.480, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 59.480, to read as follows:

59.480. 1. As used in this section, unless the context clearly indicates otherwise, the following terms mean:

(1) "Authorized party", any of the following:

(a) The person who is the subject of the document;

(b) The representative of a person who is the subject of the document or the agent of a person who is the subject of the document, including but not limited to, relatives, attorneys, attorneys in fact, conservators, guardians, and funeral directors; and who has authorization in writing from the person who is the subject of the document, the spouse of the person who is the subject of the document, a relative who is the next of kin of the person who is the subject of the document, a court, in order to represent the person who is the subject of the document or the executor of the person who was the subject of the document who is acting on behalf of the deceased subject of the document;

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.**

13 (c) Government agencies, including courts, that have an interest in assisting the subject  
14 of the document or in assisting the beneficiaries of the deceased subject of the document in  
15 obtaining a benefit;

16 (2) "Military discharge document", a discharge, separation notice, certificate of service,  
17 report of transfer or discharge, or any other notice or document which is evidence of severance  
18 or transfer from military service and which contains a service record from the armed forces of  
19 the United States, or any document that purports to represent a notice of separation from or  
20 service in any armed forces of the United States or any state, including but not limited to the  
21 Department of Defense form DD 214;

22 (3) "Recorder of deeds", the recorder of deeds in those counties where separate and the  
23 circuit clerk and ex officio recorder of deeds in those counties where the offices are combined.

24 2. Military discharge documents shall be accepted for filing by the recorder of deeds in  
25 all counties and the city of St. Louis in this state without any fee or compensation therefor.

26 3. The recorder of deeds may refuse to accept any military discharge document that:

27 (1) Is not an original or does not contain an original signature of an officer of the armed  
28 forces of the United States or a federal or state agency;

29 (2) Is not a certified copy from an agency of the federal or state government; or

30 (3) Appears to have alterations or erasures.

31 4. On or after the effective date of this section, the recorder of deeds shall:

32 (1) Maintain and make available to the public in its office an index containing only the  
33 name of the subject of a military discharge document;

34 (2) Maintain a separate index from publicly available information that contains only:

35 (a) The name of the subject of a military discharge document; and

36 (b) The location of the image of the military discharge document;

37 (3) Maintain the images of all military discharge documents separately from all other  
38 publicly available filed or recorded document images.

39 5. As part of any remote access system, the recorder of deeds shall not make available  
40 the location of the image or the image of the military discharge document.

41 6. Images of a military discharge document or copies thereof shall only be made  
42 available to an authorized party by submitting a notarized request form to the recorder of deeds.  
43 The recorder of deeds shall not receive a fee or compensation for a certified or uncertified copy  
44 of the military discharge document and shall not charge a notary fee for notarizing such request  
45 form.

46 7. **All images of military discharge records older than seventy-five years are deemed**  
47 **principally of historical or genealogical interest, and shall be open records.**

48 8. Prior to the effective date of this section, the Recorders Association of Missouri shall

49 adopt a request form and any rules necessary to implement the provisions of this section. The  
50 recorder of deeds in all counties and the city of St. Louis shall use and furnish the forms adopted  
51 by the Recorders Association of Missouri and comply with the rules adopted by the Recorders  
52 Association of Missouri.

53 [8.] 9. A request form that contains more than one military discharge document shall not  
54 be accepted by the recorder of deeds.

55 [9.] 10. The recorder of deeds shall keep all completed request forms for a period of at  
56 least five years and such forms shall be made available only to an authorized party in accordance  
57 with the provisions of this section.

58 [10.] 11. In the event that military discharge documents, prior to the effective date of this  
59 section, have been commingled, and to the extent possible, a recorder of deeds may choose to  
60 enact the provisions of this section regarding the indexes and images.

61 [11.] 12. On or after the effective date of this section, military discharge documents kept  
62 pursuant to this section shall not be reproduced or used in whole or in part for any commercial  
63 or speculative purposes.

64 [12.] 13. Any individual, agency, or court which obtains information pursuant to this  
65 section shall not disseminate or disclose such information or any part thereof except as  
66 authorized in this section or otherwise by law.

67 [13.] 14. The recorder of deeds shall not be liable for any damages that may result from  
68 good faith compliance with the provisions of this section.