

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1634
92ND GENERAL ASSEMBLY

Reported from the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, April 14, 2004, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

4899S.03C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 59.480, 193.225, and 193.245, RSMo, and to enact in lieu thereof three new sections relating to disclosure of certain recorded documents.

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

Section A. Sections 59.480, 193.225, and 193.245, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 59.480, 193.225, and 193.245, to read as follows: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;

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

(2) "Military discharge document", a discharge, separation notice, certificate of service, report of transfer or discharge, or any other notice or document which is

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 evidence of severance or transfer from military service and which contains a service
19 record from the armed forces of the United States, or any document that purports to
20 represent a notice of separation from or service in any armed forces of the United States
21 or any state, including but not limited to the Department of Defense form DD 214;

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

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

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

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

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

33 (3) Appears to have alterations or erasures.

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

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

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

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

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

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

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

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

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

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

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

58 [8.] 9. A request form that contains more than one military discharge document
59 shall not be accepted by the recorder of deeds.

60 [9.] 10. The recorder of deeds shall keep all completed request forms for a period
61 of at least five years and such forms shall be made available only to an authorized party
62 in accordance with the provisions of this section.

63 [10.] 11. In the event that military discharge documents, prior to the effective
64 date of this section, have been commingled, and to the extent possible, a recorder of
65 deeds may choose to enact the provisions of this section regarding the indexes and
66 images.

67 [11.] 12. On or after the effective date of this section, military discharge
68 documents kept pursuant to this section shall not be reproduced or used in whole or in
69 part for any commercial or speculative purposes.

70 [12.] 13. Any individual, agency, or court which obtains information pursuant
71 to this section shall not disseminate or disclose such information or any part thereof
72 except as authorized in this section or otherwise by law.

73 [13.] 14. The recorder of deeds shall not be liable for any damages that may
74 result from good faith compliance with the provisions of this section.

193.225. To preserve vital records, the state registrar is authorized to prepare
2 typewritten, photographic, electronic, or other reproductions of vital statistics certificates
3 or reports. **Such reproducing material shall be of durable material and the**
4 **device used to reproduce the records shall be as to accurately reproduce and**
5 **perpetuate the original records in all details ensuring their proper retention**
6 **and integrity in accordance with standards established by the state records**
7 **commission.** Such reproductions when certified by the state registrar shall be accepted
8 as the original records. [The documents] **Death records over fifty years old** from
9 which permanent reproductions have been made and verified [may be disposed of as
10 provided by regulation] **shall be transferred to the Missouri state archives.**

193.245. It shall be unlawful for any person to permit inspection of, or to disclose
2 information contained in, vital records or to copy or issue a copy of all or part of any such
3 record except as authorized by this law and by regulation or by order of a court of
4 competent jurisdiction or in the following situations:

5 (1) A listing of persons who are born or who die on a particular date may be

6 disclosed upon request, but no information from the record other than the name and the
7 date of such birth or death shall be disclosed;

8 (2) The department may authorize the disclosure of information contained in vital
9 records for legitimate research purposes;

10 (3) To a qualified applicant as provided in section 193.255;

11 (4) **Copies of death records over fifty years old may be disclosed upon**
12 **request.**

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