

SB2536



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB2536

Introduced 2/6/2018, by Sen. John G. Mulroe

SYNOPSIS AS INTRODUCED:

410 ILCS 535/25

from Ch. 111 1/2, par. 73-25

Amends the Vital Records Act. Makes a technical change in a Section concerning fees.

LRB100 19119 MJP 34380 b

A BILL FOR

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Vital Records Act is amended by changing
5 Section 25 as follows:

6 (410 ILCS 535/25) (from Ch. 111 1/2, par. 73-25)

7 Sec. 25. In accordance with Section 24 of this Act, and ~~and~~
8 the regulations adopted pursuant thereto:

9 (1) The State Registrar of Vital Records shall search
10 the files of birth, death, and fetal death records, upon
11 receipt of a written request and a fee of \$10 from any
12 applicant entitled to such search. A search fee shall not
13 be required for commemorative birth certificates issued by
14 the State Registrar. A search fee shall not be required for
15 a birth record search from a person upon release on parole,
16 mandatory supervised release, final discharge, or pardon
17 from the Department of Corrections if the person presents a
18 prescribed verification form completed by the Department
19 of Corrections verifying the person's date of birth and
20 social security number; however, the person is entitled to
21 only one search fee waiver. If, upon search, the record
22 requested is found, the State Registrar shall furnish the
23 applicant one certification of such record, under the seal

1 of such office. If the request is for a certified copy of
2 the record an additional fee of \$5 shall be required. An
3 additional fee for a certified copy of the record shall not
4 be required from a person upon release on parole, mandatory
5 supervised release, final discharge, or pardon from the
6 Department of Corrections if the person presents a
7 prescribed verification form completed by the Department
8 of Corrections verifying the released person's date of
9 birth and social security number; however, the person is
10 entitled to only one certified copy fee waiver. If the
11 request is for a certified copy of a death certificate or a
12 fetal death certificate, an additional fee of \$2 is
13 required. The additional fee shall be deposited into the
14 Death Certificate Surcharge Fund. A further fee of \$2 shall
15 be required for each additional certification or certified
16 copy requested. If the requested record is not found, the
17 State Registrar shall furnish the applicant a
18 certification attesting to that fact, if so requested by
19 the applicant. A further fee of \$2 shall be required for
20 each additional certification that no record has been
21 found.

22 Any local registrar or county clerk shall search the
23 files of birth, death and fetal death records, upon receipt
24 of a written request from any applicant entitled to such
25 search. If upon search the record requested is found, such
26 local registrar or county clerk shall furnish the applicant

1 one certification or certified copy of such record, under
2 the seal of such office, upon payment of the applicable
3 fees. If the requested record is not found, the local
4 registrar or county clerk shall furnish the applicant a
5 certification attesting to that fact, if so requested by
6 the applicant and upon payment of applicable fee. The local
7 registrar or county clerk must charge a \$2 fee for each
8 certified copy of a death certificate. The fee is in
9 addition to any other fees that are charged by the local
10 registrar or county clerk. The additional fees must be
11 transmitted to the State Registrar monthly and deposited
12 into the Death Certificate Surcharge Fund. The local
13 registrar or county clerk may charge fees for providing
14 other services for which the State Registrar may charge
15 fees under this Section.

16 A request to any custodian of vital records for a
17 search of the death record indexes for genealogical
18 research shall require a fee of \$10 per name for a 5 year
19 search. An additional fee of \$1 for each additional year
20 searched shall be required. If the requested record is
21 found, one uncertified copy shall be issued without
22 additional charge.

23 Any fee received by the State Registrar pursuant to
24 this Section which is of an insufficient amount may be
25 returned by the State Registrar upon his recording the
26 receipt of such fee and the reason for its return. The

1 State Registrar is authorized to maintain a 2 signature,
2 revolving checking account with a suitable commercial bank
3 for the purpose of depositing and withdrawing-for-return
4 cash received and determined insufficient for the service
5 requested.

6 No fee imposed under this Section may be assessed
7 against an organization chartered by Congress that
8 requests a certificate for the purpose of death
9 verification.

10 Any custodian of vital records, whether it may be the
11 Department of Public Health, a local registrar, or a county
12 clerk shall charge an additional \$2 for each certified copy
13 of a death certificate and that additional fee shall be
14 collected on behalf of the Department of Financial and
15 Professional Regulation for deposit into the Cemetery
16 Oversight Licensing and Disciplinary Fund.

17 (2) The certification of birth may contain only the
18 name, sex, date of birth, and place of birth, of the person
19 to whom it relates, the name, age and birthplace of the
20 parents, and the file number; and none of the other data on
21 the certificate of birth except as authorized under
22 subsection (5) of this Section.

23 (3) The certification of death shall contain only the
24 name, Social Security Number, sex, date of death, and place
25 of death of the person to whom it relates, and file number;
26 and none of the other data on the certificate of death

1 except as authorized under subsection (5) of this Section.

2 (4) Certification or a certified copy of a certificate
3 shall be issued:

4 (a) Upon the order of a court of competent
5 jurisdiction; or

6 (b) In case of a birth certificate, upon the
7 specific written request for a certification or
8 certified copy by the person, if of legal age, by a
9 parent or other legal representative of the person to
10 whom the record of birth relates, or by a person having
11 a genealogical interest; or

12 (c) Upon the specific written request for a
13 certification or certified copy by a department of the
14 state or a municipal corporation or the federal
15 government; or

16 (c-1) Upon the specific written request for a
17 certification or certified copy by a State's Attorney
18 for the purpose of a criminal prosecution; or

19 (d) In case of a death or fetal death certificate,
20 upon specific written request for a certified copy by a
21 person, or his duly authorized agent, having a
22 genealogical, personal or property right interest in
23 the record.

24 A genealogical interest shall be a proper purpose with
25 respect to births which occurred not less than 75 years and
26 deaths which occurred not less than 20 years prior to the

1 date of written request. Where the purpose of the request
2 is a genealogical interest, the custodian shall stamp the
3 certification or copy with the words, FOR GENEALOGICAL
4 PURPOSES ONLY.

5 (5) Any certification or certified copy issued
6 pursuant to this Section shall show the date of
7 registration; and copies issued from records marked
8 "delayed," "amended," or "court order" shall be similarly
9 marked and show the effective date.

10 (6) Any certification or certified copy of a
11 certificate issued in accordance with this Section shall be
12 considered as prima facie evidence of the facts therein
13 stated, provided that the evidentiary value of a
14 certificate or record filed more than one year after the
15 event, or a record which has been amended, shall be
16 determined by the judicial or administrative body or
17 official before whom the certificate is offered as
18 evidence.

19 (7) Any certification or certified copy issued
20 pursuant to this Section shall be issued without charge
21 when the record is required by the United States Veterans
22 Administration or by any accredited veterans organization
23 to be used in determining the eligibility of any person to
24 participate in benefits available from such organization.
25 Requests for such copies must be in accordance with
26 Sections 1 and 2 of "An Act to provide for the furnishing

1 of copies of public documents to interested parties,"
2 approved May 17, 1935, as now or hereafter amended.

3 (8) The National Vital Statistics Division, or any
4 agency which may be substituted therefor, may be furnished
5 such copies or data as it may require for national
6 statistics; provided that the State shall be reimbursed for
7 the cost of furnishing such data; and provided further that
8 such data shall not be used for other than statistical
9 purposes by the National Vital Statistics Division, or any
10 agency which may be substituted therefor, unless so
11 authorized by the State Registrar of Vital Records.

12 (9) Federal, State, local, and other public or private
13 agencies may, upon request, be furnished copies or data for
14 statistical purposes upon such terms or conditions as may
15 be prescribed by the Department.

16 (10) The State Registrar of Vital Records, at his
17 discretion and in the interest of promoting registration of
18 births, may issue, without fee, to the parents or guardian
19 of any or every child whose birth has been registered in
20 accordance with the provisions of this Act, a special
21 notice of registration of birth.

22 (11) No person shall prepare or issue any certificate
23 which purports to be an original, certified copy, or
24 certification of a certificate of birth, death, or fetal
25 death, except as authorized in this Act or regulations
26 adopted hereunder.

1 (12) A computer print-out of any record of birth, death
2 or fetal record that may be certified under this Section
3 may be used in place of such certification and such
4 computer print-out shall have the same legal force and
5 effect as a certified copy of the document.

6 (13) The State Registrar may verify from the
7 information contained in the index maintained by the State
8 Registrar the authenticity of information on births,
9 deaths, marriages and dissolution of marriages provided to
10 a federal agency or a public agency of another state by a
11 person seeking benefits or employment from the agency,
12 provided the agency pays a fee of \$10.

13 (14) The State Registrar may issue commemorative birth
14 certificates to persons eligible to receive birth
15 certificates under this Section upon the payment of a fee
16 to be determined by the State Registrar.

17 (Source: P.A. 99-95, eff. 7-21-15; 100-42, eff. 1-1-18.)