

# SB1688



## 99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1688

Introduced 2/20/2015, by Sen. William R. Haine

### SYNOPSIS AS INTRODUCED:

410 ILCS 535/25

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

Amends the Vital Records Act. Authorizes certification or a certified copy of a birth certificate to be issued upon the specific written request of a State's Attorney for the purpose of a criminal prosecution. Effective immediately.

LRB099 00172 MRW 20173 b

A BILL FOR

1 AN ACT concerning vital records.

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 the  
8 regulations adopted pursuant thereto:

9 (1) The State Registrar of Vital Records shall search the  
10 files of birth, death, and fetal death records, upon receipt of  
11 a written request and a fee of \$10 from any applicant entitled  
12 to such search. A search fee shall not be required for  
13 commemorative birth certificates issued by the State  
14 Registrar. If, upon search, the record requested is found, the  
15 State Registrar shall furnish the applicant one certification  
16 of such record, under the seal of such office. If the request  
17 is for a certified copy of the record an additional fee of \$5  
18 shall be required. If the request is for a certified copy of a  
19 death certificate or a fetal death certificate, an additional  
20 fee of \$2 is required. The additional fee shall be deposited  
21 into the Death Certificate Surcharge Fund. A further fee of \$2  
22 shall be required for each additional certification or  
23 certified copy requested. If the requested record is not found,

1 the State Registrar shall furnish the applicant a certification  
2 attesting to that fact, if so requested by the applicant. A  
3 further fee of \$2 shall be required for each additional  
4 certification that no record has been found.

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

23 A request to any custodian of vital records for a search of  
24 the death record indexes for genealogical research shall  
25 require a fee of \$10 per name for a 5 year search. An  
26 additional fee of \$1 for each additional year searched shall be

1 required. If the requested record is found, one uncertified  
2 copy shall be issued without additional charge.

3 Any fee received by the State Registrar pursuant to this  
4 Section which is of an insufficient amount may be returned by  
5 the State Registrar upon his recording the receipt of such fee  
6 and the reason for its return. The State Registrar is  
7 authorized to maintain a 2 signature, revolving checking  
8 account with a suitable commercial bank for the purpose of  
9 depositing and withdrawing-for-return cash received and  
10 determined insufficient for the service requested.

11 No fee imposed under this Section may be assessed against  
12 an organization chartered by Congress that requests a  
13 certificate for the purpose of death verification.

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

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

1           (3) The certification of death shall contain only the name,  
2 Social Security Number, sex, date of death, and place of death  
3 of the person to whom it relates, and file number; and none of  
4 the other data on the certificate of death except as authorized  
5 under subsection (5) of this Section.

6           (4) Certification or a certified copy of a certificate  
7 shall be issued:

8           (a) Upon the order of a court of competent  
9 jurisdiction; or

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

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

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

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

26           A genealogical interest shall be a proper purpose with

1 respect to births which occurred not less than 75 years and  
2 deaths which occurred not less than 20 years prior to the date  
3 of written request. Where the purpose of the request is a  
4 genealogical interest, the custodian shall stamp the  
5 certification or copy with the words, FOR GENEALOGICAL PURPOSES  
6 ONLY.

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

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

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

1 parties," approved May 17, 1935, as now or hereafter amended.

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

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

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

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

25 (12) A computer print-out of any record of birth, death or  
26 fetal record that may be certified under this Section may be

1 used in place of such certification and such computer print-out  
2 shall have the same legal force and effect as a certified copy  
3 of the document.

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

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

15 (Source: P.A. 97-679, eff. 2-6-12.)

16 Section 99. Effective date. This Act takes effect upon  
17 becoming law.