

# SB1413



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

SB1413

Introduced 2/9/2017, by Sen. Michael Connelly

#### SYNOPSIS AS INTRODUCED:

410 ILCS 535/25

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

Amends the Vital Records Act. Provides that a person shall not be required to pay a search fee for a birth record search or an additional fee for a certified copy of the record upon the person's release on parole, mandatory supervised release, final discharge, or pardon from the Department of Corrections if the person presents a specified form completed by the Department of Corrections.

LRB100 05878 MJP 15904 b

FISCAL NOTE ACT  
MAY APPLY

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 the  
8 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.)