



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

**HB3654**

Introduced 2/24/2005, by Rep. Roger L. Eddy

#### 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.

LRB094 06574 LCB 36664 b

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

28 Any local registrar or county clerk shall search the files  
29 of birth, death and fetal death records, upon receipt of a  
30 written request from any applicant entitled to such search. If  
31 upon search the record requested is found, such local registrar  
32 or county clerk shall furnish the applicant one certification

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

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

20 Any fee received by the State Registrar pursuant to this  
21 Section which is of an insufficient amount may be returned by  
22 the State Registrar upon his recording the receipt of such fee  
23 and the reason for its return. The State Registrar is  
24 authorized to maintain a 2 signature, revolving checking  
25 account with a suitable commercial bank for the purpose of  
26 depositing and withdrawing-for-return cash received and  
27 determined insufficient for the service requested.

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

31 (2) The certification of birth may contain only the name,  
32 sex, date of birth, and place of birth, of the person to whom  
33 it relates, the name, age and birthplace of the parents, and  
34 the file number; and none of the other data on the certificate  
35 of birth except as authorized under subsection (5) of this  
36 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 (d) In case of a death or fetal death certificate, upon  
20 specific written request for a certified copy by a person,  
21 or his duly authorized agent, having a genealogical,  
22 personal or property right interest in the record.

23 A genealogical interest shall be a proper purpose with  
24 respect to births which occurred not less than 75 years and  
25 deaths which occurred not less than 20 years prior to the date  
26 of written request. Where the purpose of the request is a  
27 genealogical interest, the custodian shall stamp the  
28 certification or copy with the words, FOR GENEALOGICAL PURPOSES  
29 ONLY.

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

34 (6) Any certification or certified copy of a certificate  
35 issued in accordance with this Section shall be considered as  
36 prima facie evidence of the facts therein stated, provided that

1 the evidentiary value of a certificate or record filed more  
2 than one year after the event, or a record which has been  
3 amended, shall be determined by the judicial or administrative  
4 body or official before whom the certificate is offered as  
5 evidence.

6 (7) Any certification or certified copy issued pursuant to  
7 this Section shall be issued without charge when the record is  
8 required by the United States Veterans Administration or by any  
9 accredited veterans organization to be used in determining the  
10 eligibility of any person to participate in benefits available  
11 from such organization. Requests for such copies must be in  
12 accordance with Sections 1 and 2 of "An Act to provide for the  
13 furnishing of copies of public documents to interested  
14 parties," approved May 17, 1935, as now or hereafter amended.

15 (8) The National Vital Statistics Division, or any agency  
16 which may be substituted therefor, may be furnished such copies  
17 or data as it may require for national statistics; provided  
18 that the State shall be reimbursed for the cost of furnishing  
19 such data; and provided further that such data shall not be  
20 used for other than statistical purposes by the National Vital  
21 Statistics Division, or any agency which may be substituted  
22 therefor, unless so authorized by the State Registrar of Vital  
23 Records.

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

28 (10) The State Registrar of Vital Records, at his  
29 discretion and in the interest of promoting registration of  
30 births, may issue, without fee, to the parents or guardian of  
31 any or every child whose birth has been registered in  
32 accordance with the provisions of this Act, a special notice of  
33 registration of birth.

34 (11) No person shall prepare or issue any certificate which  
35 purports to be an original, certified copy, or certification of  
36 a certificate of birth, death, or fetal death, except as

1 authorized in this Act or regulations adopted hereunder.

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

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

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

18 (Source: P.A. 91-382, eff. 7-30-99; 92-141, eff. 7-24-01.)