

SB3035



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB3035

Introduced 2/18/2016, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

410 ILCS 535/25

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

Amends the Vital Records Act. Requires the State Registrar of Vital Records, local registrar, or county clerk to inform requesters of birth, death, and fetal death record searches that they may make an optional \$1 donation per record to be deposited into the Department of Children and Family Services Special Purpose Trust Fund.

LRB099 18975 MJP 43364 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. If, upon search, the record requested
15 is found, the State Registrar shall furnish the applicant
16 one certification of such record, under the seal of such
17 office. If the request is for a certified copy of the
18 record an additional fee of \$5 shall be required. If the
19 request is for a certified copy of a death certificate or a
20 fetal death certificate, an additional fee of \$2 is
21 required. The additional fee shall be deposited into the
22 Death Certificate Surcharge Fund. A further fee of \$2 shall
23 be required for each additional certification or certified

1 copy requested. If the requested record is not found, the
2 State Registrar shall furnish the applicant a
3 certification attesting to that fact, if so requested by
4 the applicant. A further fee of \$2 shall be required for
5 each additional certification that no record has been
6 found. The State Registrar of Vital Records shall also make
7 it known to the applicant of the option to donate \$1 per
8 record. The donation shall be deposited into the Department
9 of Children and Family Services Special Purposes Trust Fund
10 for the purposes of enabling and encouraging improvements
11 in child welfare and child protection practices and
12 services.

13 Any local registrar or county clerk shall search the
14 files of birth, death and fetal death records, upon receipt
15 of a written request from any applicant entitled to such
16 search. If upon search the record requested is found, such
17 local registrar or county clerk shall furnish the applicant
18 one certification or certified copy of such record, under
19 the seal of such office, upon payment of the applicable
20 fees. If the requested record is not found, the local
21 registrar or county clerk shall furnish the applicant a
22 certification attesting to that fact, if so requested by
23 the applicant and upon payment of applicable fee. The local
24 registrar or county clerk must charge a \$2 fee for each
25 certified copy of a death certificate. The fee is in
26 addition to any other fees that are charged by the local

1 registrar or county clerk. The additional fees must be
2 transmitted to the State Registrar monthly and deposited
3 into the Death Certificate Surcharge Fund. The local
4 registrar or county clerk may charge fees for providing
5 other services for which the State Registrar may charge
6 fees under this Section. The local registrar or county
7 clerk shall also make it known to the applicant of the
8 option to donate \$1 per record. The donation shall be
9 deposited into the Department of Children and Family
10 Services Special Purposes Trust Fund for the purposes of
11 enabling and encouraging improvements in child welfare and
12 child protection practices and services.

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

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

1 cash received and determined insufficient for the service
2 requested.

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

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

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

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

25 (4) Certification or a certified copy of a certificate
26 shall be issued:

1 (a) Upon the order of a court of competent
2 jurisdiction; or

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

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

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

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

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

1 PURPOSES ONLY.

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

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

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

26 (8) The National Vital Statistics Division, or any

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

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

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

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

24 (12) A computer print-out of any record of birth, death
25 or fetal record that may be certified under this Section
26 may be used in place of such certification and such

1 computer print-out shall have the same legal force and
2 effect as a certified copy of the document.

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

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

14 (Source: P.A. 99-95, eff. 7-21-15.)