

# HB4748



## 101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

**HB4748**

Introduced 2/18/2020, by Rep. Dan Brady

### 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.

LRB101 20501 CPF 70096 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 (1) upon release on  
16 parole, mandatory supervised release, final discharge, or  
17 pardon from the Department of Corrections if the person  
18 presents a prescribed verification form completed by the  
19 Department of Corrections verifying the person's date of  
20 birth and social security number, or (2) placed on  
21 aftercare release under the Juvenile Court Act of 1987,  
22 upon release on parole, mandatory supervised release,  
23 final discharge, or pardon from the Department of Juvenile

1 Justice if the person presents a prescribed verification  
2 form completed by the Department of Juvenile Justice  
3 verifying the person's date of birth and social security  
4 number; however, the person is entitled to only one search  
5 fee waiver. If, upon search, the record requested is found,  
6 the State Registrar shall furnish the applicant one  
7 certification of such record, under the seal of such  
8 office. If the request is for a certified copy of the  
9 record an additional fee of \$5 shall be required. An  
10 additional fee for a certified copy of the record shall not  
11 be required from a person (1) upon release on parole,  
12 mandatory supervised release, final discharge, or pardon  
13 from the Department of Corrections if the person presents a  
14 prescribed verification form completed by the Department  
15 of Corrections verifying the released person's date of  
16 birth and social security number, or (2) placed on  
17 aftercare release under the Juvenile Court Act of 1987,  
18 upon release on parole, mandatory supervised release,  
19 final discharge, or pardon from the Department of Juvenile  
20 Justice if the person presents a prescribed verification  
21 form completed by the Department of Juvenile Justice  
22 verifying the person's date of birth and social security  
23 number; however, the person is entitled to only one  
24 certified copy fee waiver. If the request is for a  
25 certified copy of a death certificate or a fetal death  
26 certificate, an additional fee of \$2 is required. The

1 additional fee shall be deposited into the Death  
2 Certificate Surcharge Fund. A further fee of \$2 shall be  
3 required for each additional certification or certified  
4 copy requested. If the requested record is not found, the  
5 State Registrar shall furnish the applicant a  
6 certification attesting to that fact, if so requested by  
7 the applicant. A further fee of \$2 shall be required for  
8 each additional certification that no record has been  
9 found.

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

1 registrar or county clerk may charge fees for providing  
2 other services for which the State Registrar may charge  
3 fees under this Section.

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

11 Any fee received by the State Registrar pursuant to  
12 this Section which is of an insufficient amount may be  
13 returned by the State Registrar upon his recording the  
14 receipt of such fee and the reason for its return. The  
15 State Registrar is authorized to maintain a 2 signature,  
16 revolving checking account with a suitable commercial bank  
17 for the purpose of depositing and withdrawing-for-return  
18 cash received and determined insufficient for the service  
19 requested.

20 No fee imposed under this Section may be assessed  
21 against an organization chartered by Congress that  
22 requests a certificate for the purpose of death  
23 verification.

24 Any custodian of vital records, whether it may be the  
25 Department of Public Health, a local registrar, or a county  
26 clerk shall charge an additional \$2 for each certified copy

1 of a death certificate and that additional fee shall be  
2 collected on behalf of the Department of Financial and  
3 Professional Regulation for deposit into the Cemetery  
4 Oversight Licensing and Disciplinary Fund.

5 (2) The certification of birth may contain only the  
6 name, sex, date of birth, and place of birth, of the person  
7 to whom it relates, the name, age and birthplace of the  
8 parents, and the file number; and none of the other data on  
9 the certificate of birth except as authorized under  
10 subsection (5) of this Section.

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

16 (4) Certification or a certified copy of a certificate  
17 shall be issued:

18 (a) Upon the order of a court of competent  
19 jurisdiction; or

20 (b) In case of a birth certificate, upon the  
21 specific written request for a certification or  
22 certified copy by the person, if of legal age, by a  
23 parent or other legal representative of the person to  
24 whom the record of birth relates, or by a person having  
25 a genealogical interest; or

26 (c) Upon the specific written request for a

1 certification or certified copy by a department of the  
2 state or a municipal corporation or the federal  
3 government; or

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

7 (d) In case of a death or fetal death certificate,  
8 upon specific written request for a certified copy by a  
9 person, or his duly authorized agent, having a  
10 genealogical, personal or property right interest in  
11 the record.

12 A genealogical interest shall be a proper purpose with  
13 respect to births which occurred not less than 75 years and  
14 deaths which occurred not less than 20 years prior to the  
15 date of written request. Where the purpose of the request  
16 is a genealogical interest, the custodian shall stamp the  
17 certification or copy with the words, FOR GENEALOGICAL  
18 PURPOSES ONLY.

19 (5) Any certification or certified copy issued  
20 pursuant to this Section shall show the date of  
21 registration; and copies issued from records marked  
22 "delayed," "amended," or "court order" shall be similarly  
23 marked and show the effective date.

24 (6) Any certification or certified copy of a  
25 certificate issued in accordance with this Section shall be  
26 considered as prima facie evidence of the facts therein

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

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

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

26 (9) Federal, State, local, and other public or private



1 agencies may, upon request, be furnished copies or data for  
2 statistical purposes upon such terms or conditions as may  
3 be prescribed by the Department.

4 (10) The State Registrar of Vital Records, at his  
5 discretion and in the interest of promoting registration of  
6 births, may issue, without fee, to the parents or guardian  
7 of any or every child whose birth has been registered in  
8 accordance with the provisions of this Act, a special  
9 notice of registration of birth.

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

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

20 (13) The State Registrar may verify from the  
21 information contained in the index maintained by the State  
22 Registrar the authenticity of information on births,  
23 deaths, marriages and dissolution of marriages provided to  
24 a federal agency or a public agency of another state by a  
25 person seeking benefits or employment from the agency,  
26 provided the agency pays a fee of \$10.

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

5           (Source: P.A. 99-95, eff. 7-21-15; 100-42, eff. 1-1-18;  
6           100-724, eff. 8-3-18.)