

SB0541



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB0541

Introduced 2/23/2021, by Sen. Sara Feigenholtz

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.

LRB102 16292 CPF 21674 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
15 for 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
6 found, 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
11 not 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
14 a 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
12 receipt of a written request from any applicant entitled
13 to such search. If upon search the record requested is
14 found, such local registrar or county clerk shall furnish
15 the applicant one certification or certified copy of such
16 record, under the seal of such office, upon payment of the
17 applicable fees. If the requested record is not found, the
18 local registrar or county clerk shall furnish the
19 applicant a certification attesting to that fact, if so
20 requested by the applicant and upon payment of applicable
21 fee. The local registrar or county clerk must charge a \$2
22 fee for each certified copy of a death certificate. The
23 fee is in addition to any other fees that are charged by
24 the local registrar or county clerk. The additional fees
25 must be transmitted to the State Registrar monthly and
26 deposited into the Death Certificate Surcharge Fund. The

1 local registrar or county clerk may charge fees for
2 providing other services for which the State Registrar may
3 charge 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
26 county clerk shall charge an additional \$2 for each

1 certified copy of a death certificate and that additional
2 fee shall be collected on behalf of the Department of
3 Financial and Professional Regulation for deposit into the
4 Cemetery 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
13 place of death of the person to whom it relates, and file
14 number; and none of the other data on the certificate of
15 death except as authorized under subsection (5) of this
16 Section.

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

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

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

1 (c) Upon the specific written request for a
2 certification or certified copy by a department of the
3 state or a municipal corporation or the federal
4 government; or

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

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

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

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

25 (6) Any certification or certified copy of a
26 certificate issued in accordance with this Section shall

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

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

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

1 Records.

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

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

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

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

22 (13) The State Registrar may verify from the
23 information contained in the index maintained by the State
24 Registrar the authenticity of information on births,
25 deaths, marriages and dissolution of marriages provided to
26 a federal agency or a public agency of another state by a

1 person seeking benefits or employment from the agency,
2 provided the agency pays a fee of \$10.

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

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