

# HB2841



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

**HB2841**

Introduced 2/16/2023, by Rep. Sharon Chung

### SYNOPSIS AS INTRODUCED:

410 ILCS 535/25

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

410 ILCS 535/25.6 new

Amends the Vital Records Act. In provisions concerning searches by the State Registrar of Vital Records, provides that no fee may be assessed against a victim of domestic violence as defined in the Illinois Domestic Violence Act of 1986. Provides that, to qualify for the waiver of a fee, the person seeking the vital record must provide a certification letter. Provides the form for a certification letter.

LRB103 27393 CPF 53765 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 and by adding Section 25.6 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  
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 Upon receipt of a written request from any applicant  
5 entitled to such a search, a local registrar or county  
6 clerk shall search available files for the death  
7 certificate of an active duty or retired service member of  
8 the United States military. If the death certificate  
9 requested by the applicant is found, the local registrar  
10 or county clerk shall furnish the applicant with one  
11 certified copy of the death certificate, under the seal of  
12 the local registrar's or county clerk's office, at no cost  
13 to the applicant. If the requested death certificate of  
14 the service member is not found, the local registrar or  
15 county clerk shall furnish the applicant, at no cost, with  
16 certification attesting to that fact if so requested by  
17 the applicant. A local registrar or county clerk shall not  
18 require a fee from the applicant of more than \$6 for any  
19 subsequent copy of the service member's death certificate  
20 or certification attesting that the death certificate of  
21 the service member was not found.

22 A request to any custodian of vital records for a  
23 search of the death record indexes for genealogical  
24 research shall require a fee of \$10 per name for a 5 year  
25 search. An additional fee of \$1 for each additional year  
26 searched shall be required. If the requested record is

1 found, one uncertified copy shall be issued without  
2 additional charge.

3 Any fee received by the State Registrar pursuant to  
4 this Section which is of an insufficient amount may be  
5 returned by the State Registrar upon his recording the  
6 receipt of such fee and the reason for its return. The  
7 State Registrar is authorized to maintain a 2 signature,  
8 revolving checking account with a suitable commercial bank  
9 for the purpose of depositing and withdrawing-for-return  
10 cash received and determined insufficient for the service  
11 requested.

12 No fee imposed under this Section may be assessed  
13 against an organization chartered by Congress that  
14 requests a certificate for the purpose of death  
15 verification.

16 No fee imposed under this Section may be assessed  
17 against a victim of domestic violence as defined in the  
18 Illinois Domestic Violence Act of 1986. To qualify for the  
19 waiver of a fee, the person seeking the vital record must  
20 provide a certification letter as described in Section  
21 25.6.

22 Any custodian of vital records, whether it may be the  
23 Department of Public Health, a local registrar, or a  
24 county clerk shall charge an additional \$2 for each  
25 certified copy of a death certificate and that additional  
26 fee shall be collected on behalf of the Department of

1 Financial and Professional Regulation for deposit into the  
2 Cemetery Oversight Licensing and Disciplinary Fund.

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

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

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

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

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

25 (c) Upon the specific written request for a  
26 certification or certified copy by a department of the

1 state or a municipal corporation or the federal  
2 government; or

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

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

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

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

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



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

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

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

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

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

4 (10) The State Registrar of Vital Records, at his  
5 discretion and in the interest of promoting registration  
6 of births, may issue, without fee, to the parents or  
7 guardian of any or every child whose birth has been  
8 registered in accordance with the provisions of this Act,  
9 a special 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,  
16 death or fetal record that may be certified under this  
17 Section may be used in place of such certification and  
18 such computer print-out shall have the same legal force  
19 and 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. 102-739, eff. 1-1-23.)

6           (410 ILCS 535/25.6 new)

7           Sec. 25.6. Certification letter form. In order to seek a  
 8           waiver of the fee for a copy of a vital record, the person  
 9           seeking the record must provide the following certification  
 10          letter:

11          Certification Letter for Domestic Violence Waiver for Illinois

12   Vital Records

13          Full Name of Applicant:.....

14          Date of Birth:.....

15          I,....., certify, to the best of my  
 16          knowledge and belief, that on the date listed below, the above  
 17          named individual is a victim or child of a victim of domestic  
 18          violence, as defined by Section 103 of the Illinois Domestic  
 19          Violence Act of 1986 (750 ILCS 60/103), who is currently  
 20          fleeing a dangerous living situation. I provide this  
 21          certification in my capacity as (check one below):

22                   ( ) an advocate at a family violence center who  
 23                   assisted the victim;

24                   ( ) a licensed medical care or mental health provider;

1           ( ) the director of an emergency shelter or  
2           transitional housing; or

3           ( ) the director of a transitional living program.

4           Signature:.....Date:.....

5           Title:.....Employer:.....

6           Email:.....Phone:.....

7           Address:.....City:.....

8           State:.....Zip:.....