

SB1595



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1595

Introduced 2/8/2023, by Sen. Jason Plummer

SYNOPSIS AS INTRODUCED:

410 ILCS 535/25

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

Amends the Vital Records Act. In provisions concerning the search of death certificates for service members, replaces references to active duty or retired service members with references to active duty service members or veterans. Effective immediately.

LRB103 25828 CPF 52179 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 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 or
8 veteran of the United States military. If the death
9 certificate requested by the applicant is found, the local
10 registrar or county clerk shall furnish the applicant with
11 one certified copy of the death certificate, under the
12 seal of the local registrar's or county clerk's office, at
13 no cost to the applicant. If the requested death
14 certificate of the service member or veteran is not found,
15 the local registrar or county clerk shall furnish the
16 applicant, at no cost, with certification attesting to
17 that fact if so requested by the applicant. A local
18 registrar or county clerk shall not require a fee from the
19 applicant of more than \$6 for any subsequent copy of the
20 service member's or veteran's death certificate or
21 certification attesting that the death certificate of the
22 service member or veteran was not found.

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

1 searched shall be required. If the requested record is
2 found, one uncertified copy shall be issued without
3 additional charge.

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

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

17 Any custodian of vital records, whether it may be the
18 Department of Public Health, a local registrar, or a
19 county clerk shall charge an additional \$2 for each
20 certified copy of a death certificate and that additional
21 fee shall be collected on behalf of the Department of
22 Financial and Professional Regulation for deposit into the
23 Cemetery Oversight Licensing and Disciplinary Fund.

24 (2) The certification of birth may contain only the
25 name, sex, date of birth, and place of birth, of the person
26 to whom it relates, the name, age and birthplace of the

1 parents, and the file number; and none of the other data on
2 the certificate of birth except as authorized under
3 subsection (5) of this Section.

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

10 (4) Certification or a certified copy of a certificate
11 shall be issued:

12 (a) Upon the order of a court of competent
13 jurisdiction; or

14 (b) In case of a birth certificate, upon the
15 specific written request for a certification or
16 certified copy by the person, if of legal age, by a
17 parent or other legal representative of the person to
18 whom the record of birth relates, or by a person having
19 a genealogical interest; or

20 (c) Upon the specific written request for a
21 certification or certified copy by a department of the
22 state or a municipal corporation or the federal
23 government; or

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

1 (d) In case of a death or fetal death certificate,
2 upon specific written request for a certified copy by
3 a person, or his duly authorized agent, having a
4 genealogical, personal or property right interest in
5 the record.

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

13 (5) Any certification or certified copy issued
14 pursuant to this Section shall show the date of
15 registration; and copies issued from records marked
16 "delayed," "amended," or "court order" shall be similarly
17 marked and show the effective date.

18 (6) Any certification or certified copy of a
19 certificate issued in accordance with this Section shall
20 be considered as prima facie evidence of the facts therein
21 stated, provided that the evidentiary value of a
22 certificate or record filed more than one year after the
23 event, or a record which has been amended, shall be
24 determined by the judicial or administrative body or
25 official before whom the certificate is offered as
26 evidence.

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

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

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

25 (10) The State Registrar of Vital Records, at his
26 discretion and in the interest of promoting registration

1 of births, may issue, without fee, to the parents or
2 guardian of any or every child whose birth has been
3 registered in accordance with the provisions of this Act,
4 a special notice of registration of birth.

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

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

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

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

26 (Source: P.A. 102-739, eff. 1-1-23.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.