



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 02/09/04, by Eileen Lyons - Roger L. Eddy

SYNOPSIS AS INTRODUCED:

410 ILCS 535/25

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

Amends the Vital Records Act. Provides that a death certificate shall state whether the deceased was pregnant, regardless of whether a separate fetal death certificate was issued.

LRB093 18336 RXD 44042 b

1 AN ACT concerning public 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 the
10 files of birth, death, and fetal death records, upon receipt of
11 a written request and a fee of \$10 from any applicant entitled
12 to such search. A search fee shall not be required for
13 commemorative birth certificates issued by the State
14 Registrar. If, upon search, the record requested is found, the
15 State Registrar shall furnish the applicant one certification
16 of such record, under the seal of such office. If the request
17 is for a certified copy of the record an additional fee of \$5
18 shall be required. If the request is for a certified copy of a
19 death certificate or a fetal death certificate, an additional
20 fee of \$2 is required. The additional fee shall be deposited
21 into the Death Certificate Surcharge Fund. A further fee of \$2
22 shall be required for each additional certification or
23 certified copy requested. If the requested record is not found,
24 the State Registrar shall furnish the applicant a certification
25 attesting to that fact, if so requested by the applicant. A
26 further fee of \$2 shall be required for each additional
27 certification that no record has been found.

28 Any local registrar or county clerk shall search the files
29 of birth, death and fetal death records, upon receipt of a
30 written request from any applicant entitled to such search. If
31 upon search the record requested is found, such local registrar
32 or county clerk shall furnish the applicant one certification

1 or certified copy of such record, under the seal of such
2 office, upon payment of the applicable fees. If the requested
3 record is not found, the local registrar or county clerk shall
4 furnish the applicant a certification attesting to that fact,
5 if so requested by the applicant and upon payment of applicable
6 fee. The local registrar or county clerk must charge a \$2 fee
7 for each certified copy of a death certificate. The fee is in
8 addition to any other fees that are charged by the local
9 registrar or county clerk. The additional fees must be
10 transmitted to the State Registrar monthly and deposited into
11 the Death Certificate Surcharge Fund. The local registrar or
12 county clerk may charge fees for providing other services for
13 which the State Registrar may charge fees under this Section.

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

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

28 No fee imposed under this Section may be assessed against
29 an organization chartered by Congress that requests a
30 certificate for the purpose of death verification.

31 (2) The certification of birth may contain only the name,
32 sex, date of birth, and place of birth, of the person to whom
33 it relates, the name, age and birthplace of the parents, and
34 the file number; and none of the other data on the certificate
35 of birth except as authorized under subsection (5) of this
36 Section.

1 (3) The certification of death shall contain only the name,
2 Social Security Number, sex, date of death, and place of death
3 of the person to whom it relates, and file number; and none of
4 the other data on the certificate of death except as authorized
5 under subsection (5) of this Section. The death certificate
6 shall state whether the deceased was pregnant, regardless of
7 whether a separate fetal death certificate was issued.

8 (4) Certification or a certified copy of a certificate
9 shall be issued:

10 (a) Upon the order of a court of competent
11 jurisdiction; or

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

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

21 (d) In case of a death or fetal death certificate, upon
22 specific written request for a certified copy by a person,
23 or his duly authorized agent, having a genealogical,
24 personal or property right interest in the record.

25 A genealogical interest shall be a proper purpose with
26 respect to births which occurred not less than 75 years and
27 deaths which occurred not less than 20 years prior to the date
28 of written request. Where the purpose of the request is a
29 genealogical interest, the custodian shall stamp the
30 certification or copy with the words, FOR GENEALOGICAL PURPOSES
31 ONLY.

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

36 (6) Any certification or certified copy of a certificate

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

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

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

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

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

36 (11) No person shall prepare or issue any certificate which

1 purports to be an original, certified copy, or certification of
2 a certificate of birth, death, or fetal death, except as
3 authorized in this Act or regulations adopted hereunder.

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

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

16 (14) The State Registrar may issue commemorative birth
17 certificates to persons eligible to receive birth certificates
18 under this Section upon the payment of a fee to be determined
19 by the State Registrar.

20 (Source: P.A. 91-382, eff. 7-30-99; 92-141, eff. 7-24-01.)