

AMENDED IN SENATE JANUARY 7, 2002

AMENDED IN SENATE APRIL 16, 2001

AMENDED IN SENATE MARCH 28, 2001

SENATE BILL

No. 247

Introduced by Senator Speier

February 15, 2001

An act to add Section 103526 to the Health and Safety Code, relating to vital statistics.

LEGISLATIVE COUNSEL'S DIGEST

SB 247, as amended, Speier. Birth certificates: certified copies: access.

Existing law prescribes the information to be included on a certificate of live birth, including specified medical and social information that is required to be kept confidential. Existing law requires a State Registrar, local registrar, or county recorder, upon request and payment of the required fee, to supply to any applicant a certified copy of the record of birth, except information that is designated confidential.

~~This bill would require the State Registrar, local registrar, or county recorder to obtain, record, and maintain the name and address of any applicant requesting a certified copy of a birth certificate, notwithstanding any other provision of law.~~

This bill would define the requirements for those persons who are authorized to request a copy of a certified copy of a record birth. If a requester does not meet the requirements of an authorized person, this bill would require the State Registrar, local registrar, or county recorder to issue the certified copy of a birth record with a legend stating "FOR INFORMATIONAL PURPOSES ONLY". By imposing new duties on

local registrars and county recorders, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 103526 is added to the Health and
2 Safety Code, to read:

3 ~~103526. Notwithstanding any other provision of law, the~~
4 ~~State Registrar, local registrar, or county recorder shall obtain,~~
5 ~~record, and maintain the name and address of any applicant~~
6 ~~requesting a certified copy of a birth certificate.~~

7 103526. (a) *If the State Registrar, local registrar, or county*
8 *recorder determines by credible evidence that a person applying*
9 *for a certified copy of a birth record pursuant to Section 103525*
10 *is an authorized person, that official may furnish a certified copy*
11 *to the applicant in accordance with Section 103525. In all other*
12 *circumstances, the certified copy provided to the applicant shall*
13 *display a legend that states “FOR INFORMATIONAL*
14 *PURPOSES ONLY.” The legend shall be written in indelible print*
15 *or stamped, in bold characters not less than one-half inch in*
16 *height, in close proximity to the space reserved for the registrant’s*
17 *name. The State Registrar shall adopt regulations to implement*
18 *this section.*

19 (b) *For purposes of this section, an “authorized person” is any*
20 *of the following:*

21 (1) *The registrant or a parent or legal guardian of the registrant.*



1 (2) A party entitled to receive the record as a result of a court
2 order, or an attorney or a licensed adoption agency seeking the
3 birth record in order to comply with the requirements of Section
4 3140 or 7603 of the Family Code.

5 (3) A member of a law enforcement agency who is conducting
6 official business.

7 SEC. 2. Notwithstanding Section 17610 of the Government
8 Code, if the Commission on State Mandates determines that this
9 act contains costs mandated by the state, reimbursement to local
10 agencies and school districts for those costs shall be made pursuant
11 to Part 7 (commencing with Section 17500) of Division 4 of Title
12 2 of the Government Code. If the statewide cost of the claim for
13 reimbursement does not exceed one million dollars (\$1,000,000),
14 reimbursement shall be made from the State Mandates Claims
15 Fund.

