

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 778**

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**Introduced by Assembly Member Maienschein**  
*(Coauthors: Assembly Members Baker and McCarty)*  
*(Coauthors: Senators Bates, Block, Huff, and Leno)*

February 25, 2015

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An act to amend Section 6107 of the Government Code, relating to fees.

LEGISLATIVE COUNSEL'S DIGEST

AB 778, as amended, Maienschein. Fees: military service records.

Existing law prohibits a public entity from demanding a fee or compensation for, among other things, a certified copy of specified military records, and of public records to be used in a claim related to veterans' benefits, as specified, provided to the person who is the subject of the record, a family member or legal representative of that person, a county office that provides veterans' benefits services, or a federal official upon written request.

This bill would permit a county recorder to furnish a certified copy of these specified military records in response to a written, faxed, or digitized image of a request accompanied by a legible notarized statement that the requester is the person who is the subject of the record, a family member or legal representative of that person, a county office that provides veterans' benefits services, or a federal official, as specified. The bill would also permit an official to furnish a certified copy of these records to a requester in person upon taking a sworn statement, as provided.

By placing new duties on local officials and by expanding the scope of the crime of perjury, this bill would impose 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.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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 6107 of the Government Code is amended
- 2 to read:
- 3 6107. (a) ~~No~~A public entity, including the state, a county,
- 4 city, or other political subdivision, ~~nor~~ or any officer or employee
- 5 thereof, including notaries public, shall *not* demand or receive any
- 6 fee or compensation for doing any of the following:
- 7 (1) Recording, indexing, or issuing certified copies of any
- 8 discharge, certificate of service, certificate of satisfactory service,
- 9 notice of separation, or report of separation of any member of the
- 10 Armed Forces of the United States.
- 11 (2) Furnishing a certified copy of, or searching for, any public
- 12 record that is to be used in an application or claim for a pension,
- 13 allotment, allowance, compensation, insurance (including automatic
- 14 insurance), or any other benefits under any act of Congress for
- 15 service in the Armed Forces of the United States or under any law
- 16 of this state relating to veterans' benefits.
- 17 (3) Furnishing a certified copy of, or searching for, any public
- 18 record that is required by the Veterans Administration to be used
- 19 in determining the eligibility of any person to participate in benefits
- 20 made available by the Veterans Administration.
- 21 (4) Rendering any other service in connection with an
- 22 application or claim referred to in paragraph (2) or (3).

1 (b) A certified copy of any record referred to in subdivision (a)  
2 may be made available only to one of the following:

3 (1) The person who is the subject of the record upon presentation  
4 of proper photo identification.

5 (2) A family member or legal representative of the person who  
6 is the subject of the record upon presentation of proper photo  
7 identification and certification of their relationship to the subject  
8 of the record.

9 (3) A county office that provides ~~veteran's~~ *veterans'* benefits  
10 services upon written request of that office.

11 (4) A United States official upon written request of that official.  
12 A public officer or employee is liable on his or her official bond  
13 for failure or refusal to render the services.

14 (c) (1) If the county recorder receives a written, faxed, or  
15 digitized image of a request for a certified copy of any discharge,  
16 certificate of service, certificate of satisfactory service, notice of  
17 separation, or report of separation of any member of the Armed  
18 Forces of the United States referred to in paragraph (1) of  
19 subdivision (a) that is accompanied by a notarized statement sworn  
20 under penalty of perjury, or a faxed copy or digitized image of a  
21 notarized statement sworn under penalty of perjury, that the  
22 requester meets one of the descriptions in subdivision (b), the  
23 county recorder may furnish a certified copy to the applicant  
24 pursuant to this section.

25 (2) A faxed or digitized image of the notary acknowledgment  
26 accompanying a faxed request received pursuant to this subdivision  
27 for a certified copy of any discharge, certificate of service,  
28 certificate of satisfactory service, notice of separation, or report  
29 of separation of any member of the Armed Forces of the United  
30 States shall be legible. If the notary's seal is not photographically  
31 reproducible, or does not show the name of the notary, the county  
32 of the notary's principal place of business, the notary's telephone  
33 number, the notary's registration number, and the notary's  
34 commission expiration date typed or printed in a manner that is  
35 photographically reproducible below, or immediately adjacent to,  
36 the notary's signature in the acknowledgment, the county recorder  
37 shall not provide the certified copy. If a request for a certified copy  
38 of any discharge, certificate of service, certificate of satisfactory  
39 service, notice of separation, or report of separation of any member  
40 of the Armed Forces of the United States is made in person, the

1 official shall take a statement sworn under penalty of perjury that  
2 the requester is signing his or her own legal name and is an  
3 authorized person, and that official may then furnish a certified  
4 copy to the applicant.

5 (3) For purposes of this subdivision, “digitized image” of a  
6 request means an image of an original paper request for a certified  
7 copy of any discharge, certificate of service, certificate of  
8 satisfactory service, notice of separation, or report of separation  
9 of any member of the Armed Forces of the United States.

10 SEC. 2. No reimbursement is required by this act pursuant to  
11 Section 6 of Article XIII B of the California Constitution for certain  
12 costs that may be incurred by a local agency or school district  
13 because, in that regard, this act creates a new crime or infraction,  
14 eliminates a crime or infraction, or changes the penalty for a crime  
15 or infraction, within the meaning of Section 17556 of the  
16 Government Code, or changes the definition of a crime within the  
17 meaning of Section 6 of Article XIII B of the California  
18 Constitution.

19 However, if the Commission on State Mandates determines that  
20 this act contains other costs mandated by the state, reimbursement  
21 to local agencies and school districts for those costs shall be made  
22 pursuant to Part 7 (commencing with Section 17500) of Division  
23 4 of Title 2 of the Government Code.