

AMENDED IN ASSEMBLY APRIL 13, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 778

Introduced by Assembly Member Maienschein

(Coauthors: Assembly Members Baker and McCarty)

(Coauthors: Senators Bates, Block, Huff, ~~and Leno~~ *Leno, and Vidak*)

February 25, 2015

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) A public entity, including the state, a county, city,
4 or other political subdivision, or any officer or employee thereof,
5 including notaries public, shall not demand or receive any fee or
6 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.

1 (4) Rendering any other service in connection with an
2 application or claim referred to in paragraph (2) or (3).

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

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

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

11 (3) A county office that provides veterans' benefits services
12 upon written request of that office.

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

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

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

1 of service, certificate of satisfactory service, notice of separation,
2 or report of separation of any member of the Armed Forces of the
3 United States is made in person, the official shall take a statement
4 sworn under penalty of perjury that the requester is signing his or
5 her own legal name and is an authorized ~~person~~, *person pursuant*
6 *to subdivision (b)*, and that official may then furnish a certified
7 copy to the applicant.

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

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

22 However, if the Commission on State Mandates determines that
23 this act contains other costs mandated by the state, reimbursement
24 to local agencies and school districts for those costs shall be made
25 pursuant to Part 7 (commencing with Section 17500) of Division
26 4 of Title 2 of the Government Code.