

**ASSEMBLY BILL**

**No. 659**

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**Introduced by Assembly Member Silva**

February 16, 2011

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An act to amend Section 103526 of the Health and Safety Code, relating to vital records.

LEGISLATIVE COUNSEL'S DIGEST

AB 659, as introduced, Silva. Vital records: certified copies.

Existing law prescribes specified personal information to be included on birth, death, and marriage certificates. Under existing law, a certified copy of a birth, death, marriage, or military service record may only be supplied by the State Registrar, local registrar, or county recorder to an authorized person, as defined, who submits a statement sworn under penalty of perjury that the applicant is an authorized person. Under existing law, an “authorized person” for these purposes includes a child, grandparent, grandchild, sibling, spouse, or domestic partner of the registrant. Under existing law, every local registrar, deputy registrar, or subregistrar who fails, neglects, or refuses to perform his or her duty as required by law and by the instructions and directions of the State Registrar is guilty of a misdemeanor.

This bill would require, if a request for a certified copy of a birth, death, or marriage record is made in person, that the requester produce government-issued photo identification, in addition to the existing requirement of a statement sworn under penalty of perjury. The bill also would specify that a child, grandparent, grandchild, sibling, spouse, or domestic partner of a registrant, who requests a certified copy of a registrant’s birth, death, or marriage record, must be an adult or

emancipated minor in order to satisfy the definition of an authorized person for that purpose.

By imposing new duties on local officials, and by changing the definition of a crime, 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.

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 103526 of the Health and Safety Code  
2 is amended to read:  
3 103526. (a) If the State Registrar, local registrar, or county  
4 recorder receives a written or faxed request for a certified copy of  
5 a birth, death, or marriage record pursuant to Section 103525, or  
6 a military service record pursuant to Section 6107 of the  
7 Government Code, that is accompanied by a notarized statement  
8 sworn under penalty of perjury, or a faxed copy of a notarized  
9 statement sworn under penalty of perjury, that the requester is an  
10 authorized person, as defined in this section, that official may  
11 furnish a certified copy to the applicant in accordance with Section  
12 103525 and in accordance with Section 6107 of the Government  
13 Code. If a written request for a certified copy of a military service  
14 record is submitted to a county recorder by fax, the county recorder  
15 may furnish a certified copy of the military record to the applicant  
16 in accordance with Section 103525. A faxed notary  
17 acknowledgment accompanying a faxed request received pursuant  
18 to this subdivision for a certified copy of a birth, death, or marriage  
19 record or a military service record shall be legible and, if the  
20 notary's seal is not photographically reproducible, show the name  
21 of the notary, the county of the notary's principal place of business,

1 the notary's telephone number, the notary's registration number,  
2 and the notary's commission expiration date typed or printed in a  
3 manner that is photographically reproducible below, or immediately  
4 adjacent to, the notary's signature in the acknowledgment. If a  
5 request for a certified copy of a birth, death, or marriage record is  
6 made in person, *the requester shall produce government-issued*  
7 *photo identification* and the official shall take a statement sworn  
8 under penalty of perjury that the requester is signing his or her  
9 own legal name and is an authorized person, and that official may  
10 then furnish a certified copy to the applicant.

11 (b) (1) If the person requesting a certified copy of a birth, death,  
12 or nonconfidential marriage record is not an authorized person or  
13 is an authorized person who is otherwise unable to satisfy the  
14 requirements of subdivision (a), the certified copy provided to the  
15 applicant shall be an informational certified copy and shall display  
16 a legend that states "INFORMATIONAL, NOT A VALID  
17 DOCUMENT TO ESTABLISH IDENTITY." The legend shall  
18 be placed on the certificate in a manner that will not conceal  
19 information.

20 (2) If the person requesting a certified copy of a confidential  
21 marriage record is not an authorized person or is an authorized  
22 person who is otherwise unable to satisfy the requirements of  
23 subdivision (a), the official shall not release a certified copy of the  
24 confidential marriage record unless otherwise authorized by law.

25 (c) For purposes of this section, an "authorized person" means:

26 (1) For purposes of requests for certified copies of confidential  
27 marriage records, only a party to the confidential marriage.

28 (2) For purposes of requests for certified copies of birth, death,  
29 or nonconfidential marriage records, a person who is any of the  
30 following:

31 (A) The registrant or a parent or legal guardian of the registrant.

32 (B) A party entitled to receive the record as a result of a court  
33 order, or an attorney or a licensed adoption agency seeking the  
34 birth record in order to comply with the requirements of Section  
35 3140 or 7603 of the Family Code.

36 (C) A member of a law enforcement agency or a representative  
37 of another governmental agency, as provided by law, who is  
38 conducting official business.

1 (D) A child, grandparent, grandchild, sibling, spouse, or  
2 domestic partner of the registrant *who is an emancipated minor*  
3 *or an adult*.

4 (E) An attorney representing the registrant or the registrant's  
5 estate, or any person or agency empowered by statute or appointed  
6 by a court to act on behalf of the registrant or the registrant's estate.

7 (F) An agent or employee of a funeral establishment who acts  
8 within the course and scope of his or her employment and who  
9 orders certified copies of a death certificate on behalf of any  
10 individual specified in paragraphs (1) to (5), inclusive, of  
11 subdivision (a) of Section 7100.

12 (d) A person who asks the agent or employee of a funeral  
13 establishment to request a death certificate on his or her behalf  
14 warrants the truthfulness of his or her relationship to the decedent,  
15 and is personally liable for all damages occasioned by, or resulting  
16 from, a breach of that warranty.

17 (e) Notwithstanding any other law:

18 (1) A member of a law enforcement agency or a representative  
19 of a state or local government agency, as provided by law, who  
20 orders a copy of a record to which subdivision (a) applies in  
21 conducting official business shall not be required to provide the  
22 notarized statement required by subdivision (a).

23 (2) An agent or employee of a funeral establishment who acts  
24 within the course and scope of his or her employment and who  
25 orders death certificates on behalf of individuals specified in  
26 paragraphs (1) to (5), inclusive, of subdivision (a) of Section 7100  
27 shall not be required to provide the notarized statement required  
28 by subdivision (a).

29 (f) Informational certified copies of birth and death certificates  
30 issued pursuant to subdivision (b) shall only be printed from the  
31 single statewide database prepared by the State Registrar and shall  
32 be electronically redacted to remove any signatures for purposes  
33 of compliance with this section. Local registrars and county  
34 recorders shall not issue informational certified copies of birth and  
35 death certificates from a source other than the statewide database  
36 prepared by the State Registrar. This subdivision shall become  
37 operative on July 1, 2007, but only after the statewide database  
38 becomes operational and the full calendar year of the birth and  
39 death indices and images is entered into the statewide database  
40 and is available for the respective year of the birth or death

1 certificate for which an informational copy is requested. The State  
2 Registrar shall provide written notification to local registrars and  
3 county recorders as soon as a year becomes available for issuance  
4 from the statewide database.

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

14 However, if the Commission on State Mandates determines that  
15 this act contains other costs mandated by the state, reimbursement  
16 to local agencies and school districts for those costs shall be made  
17 pursuant to Part 7 (commencing with Section 17500) of Division  
18 4 of Title 2 of the Government Code.