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2003 MAR 18 P 3:11

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2003



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 2001

(By Delegates Stemple, Kominar, Pino, Pethtel, Mahan, Amores and Craig)



Passed March 6, 2003

In Effect Nintety Days from Passage

FILED

2003 MAR 18 P 3:11

OFFICE WEST VIRGINIA
SECRETARY OF STATE

E N R O L L E D

COMMITTEE SUBSTITUTE

FOR

H. B. 2001

(BY DELEGATES STEMPLE, KOMINAR, PINO, PETHTEL, MAHAN,
AMORES AND CRAIG)

*and
Bryon D. Bond
Clerk of the House*

[Passed March ⁶ 8, 2003; in effect ninety days from passage.]

A BILL to amend article one, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section three-II, relating to restricting public access to military discharge forms recorded in the county clerks office.

Be it enacted by the Legislature of West Virginia:

That article one, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section three-II, to read as follows:

ARTICLE 1. COUNTY COMMISSIONS GENERALLY.

§7-1-31l. Clerk of the county commission duties relating to record keeping of military discharge forms.

1 (a) The county commission shall order that the clerk of the
2 county commission wherein a person discharged from the
3 armed forces of the United States resides record, upon presenta-
4 tion, free of charge, the original or a properly authenticated
5 copy of either the discharge certificate or the report of separa-
6 tion from active duty (Department of Defense Document DD-
7 214), or both, and maintain the discharge certificate or report,
8 or both, in the clerk's office in a secure manner, rendering the
9 records unavailable to the public.

10 (b) Notwithstanding the provisions of article one, chapter
11 twenty-nine-b, discharge certificates and reports of separation
12 from active duty recorded pursuant to this section may be
13 copied or inspected only by the following:

14 (1) The person of the record;

15 (2) The duly qualified conservator or guardian of the person
16 of the record;

17 (3) The duly qualified executor or administrator of the
18 estate of the person of the record, if deceased, or, in the event
19 no executor or administrator has qualified, the next of kin of the
20 deceased person;

21 (4) An attorney, attorney-in-fact, or other agent or represen-
22 tative of any of the persons described in subdivision (1), (2) or
23 (3), subsection (b) of this section, acting pursuant to a written
24 power of attorney or other written authorization; or

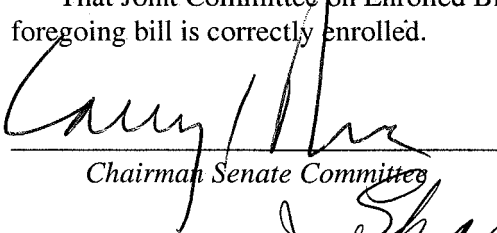
25 (5) A duly authorized representative of an agency or
26 instrumentality of federal, state, or local government seeking
27 the record in the ordinary course of performing its official
28 duties.

29 (c) Under the circumstances where time is of the essence,
30 including, but not limited to, requests for copies of records
31 attendant to the making of funeral arrangements or arrange-
32 ments for medical care, the clerk, in ascertaining whether a
33 person seeking access to discharge certificates or reports of
34 separation from active duty is qualified to do so pursuant to
35 subsection (b) of this section, may rely upon the sworn state-
36 ment of the requestor made in person before the clerk or his
37 deputy.

38 (d) Notwithstanding the provisions of subsection (b) of this
39 section, the clerk may permit access to discharge certificates or
40 reports of separation from active duty of deceased persons for
41 bona fide genealogical or other research purposes.

Enr. Com. Sub for H. B. 2001] 4

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



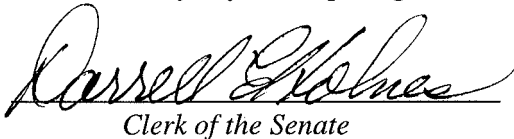
Chairman Senate Committee



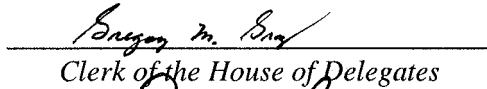
Chairman House Committee

Originating in the House.

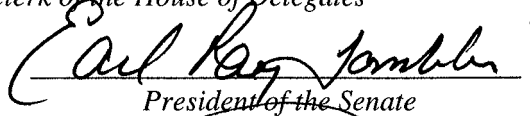
In effect ninety days from passage



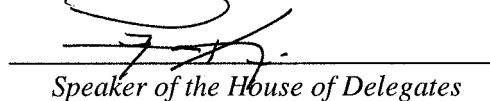
Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within approved this the 18
day of March 2003.



Governor

PRESENTED TO THE
GOVERNOR

Date 3/12/03

Time 11:00 am