

2016 Regular Session

HOUSE BILL NO. 1136 (Substitute for House Bill No. 394 by Representative Lopinto)

BY REPRESENTATIVE LOPINTO

1 AN ACT

2 To amend and reenact R.S. 40:41(B), relative to vital records; to authorize the disclosure of
3 data from birth and death certificates to law enforcement; and to provide for related
4 matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 40:41(B) is hereby amended and reenacted to read as follows:

7 §41. Disclosure of records

8 * * *

9 B.(1)(a) Disclosure of confidential birth information from which can be
10 determined whether the child was born of or outside of marriage may be made only
11 upon order of the court in any case where that information is necessary for the
12 determination of personal or property rights and then only for that purpose. Upon
13 receiving an order from the court, the vital records registrar shall file a copy of the
14 birth certificate, marked for judicial purposes only, under seal in the records of the
15 clerk of court. The judge presiding over the matter may review the birth certificate
16 in chambers and may use the birth certificate within his discretion during the course
17 of the proceedings. No copies of the birth certificate ~~may~~ shall be issued by the court
18 to the litigants in the proceeding. The birth certificate ~~must~~ shall be destroyed at the
19 conclusion of the proceedings after all appeal delays have lapsed.

20 (b) ~~This Section~~ The provisions of Subparagraph (a) of this Paragraph shall
21 not apply in any case where any ~~sheriff, member of law enforcement,~~ United States
22 attorney, attorney general, or district attorney makes written request to the state
23 registrar. Upon receipt of such written request, ~~such~~ the registrar shall make
24 disclosure to any ~~sheriff, member of law enforcement,~~ United States attorney,
25 attorney general, or district attorney requesting same, of the contents of birth records
26 in the registrar's custody.

1 (2)(a) Disclosure of confidential death certificate information may be made
 2 only upon order of the court in any case where a judge orders that information is
 3 necessary for the resolution of the proceeding and then only for that purpose. Upon
 4 receiving an order from the court, the vital records registrar shall file a copy of the
 5 death certificate, marked for judicial purposes only, under seal in the records of the
 6 clerk of court. The judge presiding over the matter may review the death certificate
 7 in chambers and may use the death certificate within his discretion during the course
 8 of the proceedings. No copies of the death certificate ~~may~~ shall be issued by the
 9 court to the litigants in the proceeding. The death certificate ~~must~~ shall be destroyed
 10 at the conclusion of the proceedings after all appeal delays have lapsed.

11 (b) ~~This Section~~ The provisions of Subparagraph (a) of this Paragraph shall
 12 not apply in any case where any ~~sheriff, member of law enforcement,~~ United States
 13 attorney, attorney general, public administrator, or district attorney makes a written
 14 request to the state registrar. Upon receipt of such written request, ~~such~~ the registrar
 15 shall make disclosure to any ~~sheriff, member of law enforcement,~~ United States
 16 attorney, attorney general, public administrator, or district attorney requesting same,
 17 of the contents of the death certificate in the registrar's custody.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____