

2016 Regular Session

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

BY REPRESENTATIVE LOPINTO

VITAL STATISTICS: Authorizes the disclosure of vital records data to law enforcement

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.

1 ~~(b) This Section~~ The provisions of Subparagraph (a) of this Paragraph shall
 2 not apply in any case where any ~~sheriff, member of law enforcement,~~ United States
 3 attorney, attorney general, or district attorney makes written request to the state
 4 registrar. Upon receipt of such written request, ~~such~~ the registrar shall make
 5 disclosure to any ~~sheriff, member of law enforcement,~~ United States attorney,
 6 attorney general, or district attorney requesting same, of the contents of birth records
 7 in the registrar's custody.

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

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

* * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 1136 Original

2016 Regular Session

Lopinto

Abstract: Authorizes the disclosure of confidential data from birth and death certificates upon request of a member of law enforcement.

Present law prohibits an employee of the state from disclosing data contained in vital records, except as authorized by law.

Proposed law authorizes the state registrar to disclosure the contents of birth and death certificates to law enforcement upon request.

(Amends R.S. 40:41(B))