HLS 16RS-1540 ENGROSSED

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

data from birth and death certificates to law enforcement; and to provide for related

4 matters.

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Be it enacted by the Legislature of Louisiana:

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

§41. Disclosure of records

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

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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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

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

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## **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 Engrossed

2016 Regular Session

Lopinto

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

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

<u>Proposed law</u> authorizes the state registrar to disclose the contents of birth and death certificates to law enforcement upon request.

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