

HOUSE COMMITTEE AMENDMENTS

2016 Regular Session

Substitute for Original House Bill No. 394 by Representative Lopinto as proposed by the House Committee on Health and Welfare

This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.

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 matters.

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

* * *

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.

(b) This Section shall not apply in any case where any ~~sheriff,~~ member of law enforcement, United States attorney, attorney general, or district attorney makes 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, or district attorney requesting same, of the contents of birth records in the registrar's custody.

(2)(a) Disclosure of confidential death certificate information may be made only upon order of the court in any case where a judge orders that information is necessary for the resolution of the proceeding and then only for that purpose. Upon receiving an order from the court, the vital records registrar shall file a copy of the death 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 death certificate in chambers and may use the death certificate within his discretion during the course of the proceedings. No copies of the death certificate ~~may~~ shall be issued by the court to the litigants in the proceeding. The death certificate ~~must~~ shall be destroyed at the conclusion of the proceedings after all appeal delays have lapsed.

(b) This Section 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 Draft

2016 Regular Session

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))