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SENATE BILL NO. 1111

Offered January 12, 2005

Prefiled January 12, 2005

A BILL to amend and reenact §§ 32.1-267 and 32.1-268 of the Code of Virginia and to amend the Code of Virginia by adding in Article 5 of Chapter 7 of Title 32.1 a section numbered 32.1-268.1, relating to the State Registrar of Vital Records; compilation of certain marriage, divorce, and annulment information.

Patrons—Blevins, Hanger and Houck; Delegates: Brink, Hamilton and Tata

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-267 and 32.1-268 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 5 of Chapter 7 of Title 32.1 a section numbered 32.1-268.1 as follows:

§ 32.1-267. Records of marriages; duties of officer issuing marriage license and person officiating at ceremony; blocking of social security number.

A. For each marriage performed in ~~this~~ *the* Commonwealth, a record showing personal data ~~for~~, including but not limited to age and race of the married parties, the marriage license, and the certifying statement of the facts of marriage shall be filed with the State Registrar as provided in this section.

B. The officer issuing a marriage license shall prepare the record based on the information obtained under oath or by affidavit from the parties to be married. The parties shall also include their social security numbers or other control numbers issued by the Department of Motor Vehicles pursuant to § 46.2-342 and affix their signatures to the application for such license.

C. Every person who officiates at a marriage ceremony shall certify to the facts of marriage and file the record in duplicate with the officer who issued the marriage license within five days after the ceremony. In the event such officiant dies or becomes incapacitated before completing the certificate of marriage, the official who issued the marriage license shall complete the certificate of marriage upon the order of the court to which is submitted proof that the marriage was performed.

D. Every officer issuing marriage licenses shall on or before the tenth day of each calendar month forward to the State Registrar a record of each marriage filed with him during the preceding calendar month.

E. The State Registrar shall furnish forms for the marriage license, marriage certificate, and application for marriage license used in ~~this~~ *the* Commonwealth. Such forms shall be configured so as to cause the social security number or control number required pursuant to the provisions of subsection B to appear only on the application for marriage license retained by the officer issuing the marriage license and the copy of such license forwarded to the State Registrar pursuant to the provisions of subsection D.

F. Applications for marriage licenses filed on and after July 1, 1997, and marriage registers recording such applications, which have not been configured to prevent disclosure of the social security number or control number required pursuant to the provisions of subsection B of this section shall not be available for general public inspection in the offices of clerks of the circuit courts. The clerk shall make such applications and registers available for inspection only (i) upon the order of the circuit court within which such application was made or register is maintained, (ii) pursuant to a lawful subpoena duces tecum issued to the clerk, (iii) upon the written authorization of either of the applicants, or (iv) upon the request of a law-enforcement officer or duly authorized representative of the Division of Child Support Enforcement in the course of performing his official duties. Nothing in this subsection shall be construed to restrict public access to marriage licenses or to prohibit the clerk from making available to the public applications for marriage licenses and marriage registers stored in any electronic medium or other format that permits the blocking of the field containing the social security or control number required pursuant to the provisions of subsection B of this section, so long as access to such number is blocked.

§ 32.1-268. Reports of divorces and annulments.

A. For each final decree of divorce or annulment of marriage granted by a court in ~~this~~ *the* Commonwealth, a report shall be certified and filed by the clerk of court with the State Registrar. The information necessary to prepare the report, including the social security number of each party or the control number issued a party by the Department of Motor Vehicles pursuant to § 46.2-342, shall be furnished, with the petition or when filing the decree, to the clerk of court by the petitioner or his attorney on forms prescribed by the Board and furnished by the State Registrar. *Information on the report shall include, but not be limited to the age and race of the parties, and the number of minor*

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59 *children involved in the divorce or annulment.*

60 B. On or before the tenth day of each month the clerk of court shall forward to the State Registrar
61 the report of each final decree of divorce and annulment granted during the preceding calendar month
62 and such related reports as the State Registrar may require.

63 *§ 32.1-268.1 Compilation and posting of marriage, divorce, and annulment data.*

64 *The State Registrar shall compile, publish, and make available to the public aggregate data on the*
65 *number of marriages, divorces, and annulments that occur each year in the Commonwealth. The data*
66 *shall be organized according to the locality in which the marriage license is issued or in which the*
67 *divorce or annulment report is certified, and shall include but not be limited to information regarding*
68 *the age and race of the parties. In addition, the data on divorces and annulments shall include*
69 *information regarding the number of minor children involved. The State Registrar shall post, update,*
70 *and maintain this information on the Department website. Names, addresses, social security numbers,*
71 *and any other personal identification information shall not be included.*