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SENATE BILL NO. 901

Offered January 9, 2013

Prefiled January 4, 2013

A *BILL to amend and reenact §§ 20-14, 32.1-252, 32.1-267, and 32.1-271 of the Code of Virginia, relating to vital records; marital status.*

Patron—Reeves

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That §§ 20-14, 32.1-252, 32.1-267, and 32.1-271 of the Code of Virginia are amended and reenacted as follows:

§ 20-14. By whom license to be issued; confirmation with State Registrar.

A. Every license for a marriage shall be issued by the clerk or deputy clerk of a circuit court of any county or city. If from any cause neither the clerk nor his deputy is able to issue the license, it may be issued by the judge of the circuit court of such county, or city, who shall make return thereof to the clerk as soon as there may be one.

B. *Prior to issuing any marriage license, the issuing officer shall contact the State Registrar of Vital Records to confirm that there is no record of a valid marriage in the Commonwealth for either applicant.*

C. *No issuing officer shall issue a marriage license if either applicant for the license is currently married.*

§ 32.1-252. State Registrar; duties.

A. The State Registrar, under the supervision of the Commissioner, shall:

1. Administer the provisions of this chapter and the regulations of the Board in a manner that will ensure the uniform and efficient administration of the system of vital records.

2. Direct and supervise the system of vital records and be custodian of its records.

3. Direct, supervise and control the activities of all persons when pertaining to the operation of the system of vital records.

4., 5. [Repealed.]

6. Conduct training programs to promote uniformity of policy and procedures throughout the Commonwealth in matters pertaining to the system of vital records.

7. Inspect vital records which have been sealed as provided by law whenever such inspection will facilitate the administration of this chapter without violating the confidentiality of such records.

8. Perform such other duties as may be required by law.

9. Develop, furnish and distribute, in accordance with the regulations of the Board, forms as required by this chapter and such other means for transmission of data as may be necessary for the purpose of complete and accurate reporting and registration.

10. Develop and provide a means for obtaining a social security number in conjunction with the issuance of a birth certificate.

11. Develop, furnish, and distribute a surrogate consent and report form as described in § 20-162.

12. *Provide information to officers issuing marriage licenses regarding the marital status of the applicants for such licenses if the State Registrar has such information.*

B. The State Registrar may delegate functions and duties vested in him to designated assistants and to county, city, and special registrars as he deems necessary or expedient.

§ 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 the Commonwealth, a record showing personal data, 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. *Prior to issuing any marriage license, the issuing officer shall contact the State Registrar to confirm that there is no record of a valid marriage in the Commonwealth for either applicant.*

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

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59 ceremony. In the event such officiant dies or becomes incapacitated before completing the certificate of
60 marriage, the official who issued the marriage license shall complete the certificate of marriage upon the
61 order of the court to which is submitted proof that the marriage was performed.

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

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

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

83 **§ 32.1-271. Disclosure of information in records; when unlawful; when permitted; proceeding to**
84 **compel disclosure; when certain records made public.**

85 A. To protect the integrity of vital records and to ensure the efficient and proper administration of
86 the system of vital records, it shall be unlawful, notwithstanding the provisions of §§ 2.2-3700 through
87 2.2-3714, for any person to permit inspection of or to disclose information contained in vital records or
88 to copy or issue a copy of all or part of any such vital records except as authorized by this section or
89 regulation of the Board or when so ordered by a court of the Commonwealth.

90 B. Data contained in vital records may be disclosed for valid and substantial research purposes in
91 accordance with the regulations of the Board.

92 C. Any person aggrieved by a decision of a county or city registrar may appeal to the State
93 Registrar. If the State Registrar denies disclosure of information or inspection of or copying of vital
94 records, such person may petition the court of the county or city in which he resides if he resides in the
95 Commonwealth or in which the recorded event occurred or the Circuit Court of the City of Richmond,
96 Division I, for an order compelling disclosure, inspection or copying of such vital record. The State
97 Registrar or his authorized representative may appear and testify in such proceeding.

98 D. When 100 years have elapsed after the date of birth, or 25 years have elapsed after the date of
99 death, marriage, divorce, or annulment the records of these events in the custody of the State Registrar
100 shall, unless precluded from release by statute or court order, or at law-enforcement request, become
101 public information and be made available in accordance with regulations that shall provide for the
102 continued safekeeping of the records. All records that are public information on July 1, 1983, shall
103 continue to be public information. Original records in the custody of the State Registrar that become
104 public information shall be turned over to the Library of Virginia for safekeeping and for public access
105 consistent with other state archival records, subject to the State Registrar and the Library of Virginia
106 entering into a memorandum of understanding to arrange for continued prompt access by the State
107 Registrar to original records for purposes of amendments to those records or other working purposes.
108 The State Registrar's office may retain copies thereof for its own administrative and disclosure purposes.

109 E. The State Registrar or the city or county registrar shall disclose data about or issue a certified
110 copy of a birth certificate of a child to the grandparent of the child upon the written request of the
111 grandparent when the grandparent has demonstrated to the State Registrar evidence of need, as
112 prescribed by Board regulation, for the data or birth certificate.

113 F. The State Registrar or the city or county registrar shall issue a certified copy of a death certificate
114 to the grandchild or great-grandchild of a decedent in accordance with procedures prescribed by the
115 Board in regulation.

116 G. The State Registrar or the city or county registrar shall disclose data about or issue a certified
117 copy of a death certificate to a nonprofit organ, eye or tissue procurement organization that is a member
118 of the Virginia Transplant Council for the purpose of determining the suitability of organs, eyes and
119 tissues for donation, as prescribed by the Board in regulations. Such regulations shall ensure that the
120 information disclosed includes the cause of death and any other medical information necessary to

121 determine the suitability of the organs, eyes and tissues for donation.

122 H. The State Registrar shall seek to enter into a long-term contract with a private company
123 experienced in maintaining genealogical research databases to create, maintain, and update such an
124 online index at no direct cost to the Commonwealth, in exchange for allowing the private company to
125 also provide such index to its subscribers and customers. The online index shall be designed and
126 constructed to have the capability of allowing birth, marriage, divorce, and death entries on the index to
127 be linked to a digital image of the underlying original birth, marriage, divorce, or death record once any
128 such underlying record has become public information, and the index shall be designed to allow the
129 Library of Virginia to create and activate such links to digital images of the original records. Any social
130 security numbers appearing on original birth, marriage, divorce, or death records shall be redacted from
131 the digital images provided to the public in the manner provided by law, which may include bulk
132 redaction of social security fields from the images via automated methods.

133 Following contract implementation, the State Registrar shall maintain a publicly available online vital
134 records index or indexes, consisting at a minimum of name, date, and county or city of occurrence for
135 births (naming the child), marriages (naming the bride and groom), divorces (naming the parties to the
136 divorce), and deaths (naming the decedent), which vital records index information, except as otherwise
137 precluded from release by statute, court order, or law-enforcement request, shall be public information
138 from the time of its receipt by the State Registrar and shall be accessible on the State Registrar's website
139 and on or through the Library of Virginia website.

140 *I. The State Registrar shall disclose to an officer authorized to issue a marriage license pursuant to*
141 *§ 20-14 the current marital status of any applicant with a record of marriage maintained by the State*
142 *Registrar.*

143 **2. That the Board of Health shall promulgate regulations to implement the provisions of this act.**