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HOUSE BILL NO. 2276

Offered January 11, 2017

A BILL to amend and reenact § 32.1-269.1 of the Code of Virginia, relating to death certificate; amendments; disputes settled by circuit court.

Patrons—Wilt and Landes

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-269.1 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-269.1. Amending death certificates; change and correction of demographic information by affidavit or court order.

A. Notwithstanding § 32.1-276, a death certificate registered under this chapter may be amended only in accordance with this section and such regulations as may be adopted by the Board to protect the integrity and accuracy of such death certificate. Such regulations shall specify the minimum evidence required for a change in any such death certificate.

B. A death certificate that is amended under this section shall be marked "amended," and the date of amendment and a summary description of the evidence submitted in support of the amendment shall be endorsed on or made a part of the death certificate. The Board shall prescribe by regulation the conditions under which omissions or errors on death certificates may be corrected.

C. Upon receipt of a certified copy of a court order changing the name of the deceased, the deceased's parent or spouse, or the informant; the marital status of the deceased; or the place of residence of the deceased, when the place of residence is changed to a jurisdiction outside the Commonwealth, the State Registrar shall amend such death certificate to reflect the new information and evidence.

D. Upon receipt of an affidavit and supporting evidence testifying to corrected information, including the correct spelling of the name of the deceased, the deceased's parent or spouse, or the informant; the sex, age, race, date of birth, place of birth, citizenship, social security number, education, occupation or kind or type of business, military status, or date of death of the deceased; the place of residence of the deceased, if located within the Commonwealth; the name of the institution; the county, city, or town where the death occurred; or the street or place where the death occurred, the State Registrar shall amend such death certificate to reflect the new information and evidence.

E. When an applicant does not submit the minimum documentation required by regulation to amend a death certificate or when the State Registrar finds reason to question the validity or sufficiency of the evidence, the death certificate shall not be amended and the State Registrar shall so advise the applicant. An aggrieved applicant may ~~petition submit evidence to the clerk of the circuit court of the county or city in which he resides or the clerk of the Circuit Court of the City of Richmond, Division I, for an order compelling the State Registrar to amend the death certificate;~~ an aggrieved applicant who is currently residing out of state may ~~petition submit evidence to the clerk of any circuit court in the Commonwealth for such an order. The State Registrar or his authorized representative may appear and testify in such proceeding.~~ Such clerk shall review the evidence and upon a finding that the submitted evidence is valid and sufficient to amend the death certificate, shall notify the State Registrar of his finding. Upon such notice, the State Registrar shall amend such death certificate to reflect the new information and evidence.

INTRODUCED

HB2276