
SENATE BILL No. 458

DIGEST OF INTRODUCED BILL

Citations Affected: IC 10-17-3.

Synopsis: Release of military discharge records. Requires a county recorder after June 30, 2005, to aggregate and maintain all military discharge records separately from other recorded documents. Provides that a military discharge record recorded after June 30, 2005, is not available for public inspection and copying. Provides that a military discharge record recorded before July 1, 2005, is confidential if the record was aggregated with other military discharge records and maintained separately from other recorded documents. Allows access to the record to: (1) the veteran who is the subject of the record; (2) a veteran's service officer; and (3) other persons granted access to the record under a court order. Requires the county recorder to permanently remove a person's military discharge record from the public record if the person requests removal and the county recorder determines that it is economically feasible to remove the military discharge record.

Effective: Upon passage; July 1, 2005.

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January 18, 2005, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

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SENATE BILL No. 458



A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 10-17-3-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The state or a
3 political subdivision shall provide, ~~upon request~~ **as set forth in section**
4 **4 of this chapter**, without charge or fee, one (1) certified copy of a
5 document or record if it is shown that the certified copy is necessary to
6 secure benefits to:

- 7 (1) members of the military service;
- 8 (2) honorably discharged veterans; or
- 9 (3) surviving spouses or dependents of an individual described in
10 subdivision (1) or (2);
- 11 under a federal or state law.

12 SECTION 2. IC 10-17-3-4 IS ADDED TO THE INDIANA CODE
13 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
14 UPON PASSAGE]: **Sec. 4. (a) A county recorder shall aggregate all**
15 **military discharge records recorded after June 30, 2005, and**
16 **maintain the military discharge records separate from other**
17 **recorded documents. A military discharge record recorded after**



1 June 30, 2005, is confidential and may be made available for
2 inspection and copying only as provided in this section.

3 (b) A military discharge record that is recorded before July 1,
4 2005, is confidential and may be made available for public
5 inspection and copying only as provided in this section, if the
6 record was aggregated with other military discharge records and
7 maintained separately from other recorded documents.

8 (c) A county recorder may provide a certified copy of a military
9 discharge record to the person who is the subject of the military
10 discharge record if the person:

- 11 (1) makes the request in person; and
- 12 (2) presents an unexpired:
 - 13 (A) driver's license;
 - 14 (B) passport; or
 - 15 (C) photographic identification issued by a governmental
16 agency;

17 as proof that the person requesting the military discharge
18 record is the person who is the subject of the military
19 discharge record.

20 (d) A county recorder may provide a certified copy of a military
21 discharge record to a county or city service officer for the purpose
22 of:

- 23 (1) filing a claim for federal or state benefits; or
 - 24 (2) assisting:
 - 25 (A) the subject of the military discharge record; or
 - 26 (B) a surviving spouse, child, parent, or other relative of
27 the subject of the military discharge record;
- 28 in a manner that the service officer considers necessary.

29 (e) A county recorder may provide a certified copy of a military
30 discharge record to any of the following persons under a court
31 order:

- 32 (1) The attorney in fact of the person who is the subject of the
33 military discharge record.
 - 34 (2) The guardian of the person who is the subject of the
35 military discharge record.
 - 36 (3) If the person who is the subject of the military discharge
37 record is deceased, the:
 - 38 (A) personal representative of the estate;
 - 39 (B) surviving spouse; or
 - 40 (C) next of kin;
- 41 of the person who is the subject of the military discharge
42 record.

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1 (f) The disclosure of a military discharge record by a county
2 recorder under this section is subject to IC 5-14-3-10.

3 (g) Except as provided in subsection (f), IC 5-14-3 does not
4 apply to the release of a military discharge record under this
5 section.

6 SECTION 3. IC 10-17-3-5 IS ADDED TO THE INDIANA CODE
7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
8 1, 2005]: Sec. 5. (a) This section applies after December 31, 2005.

9 (b) A person may request the county recorder of the county
10 where the person's military discharge record is recorded to
11 permanently remove the person's military discharge record from
12 the public record. The county recorder shall grant the person's
13 request if the county recorder determines that it is economically
14 feasible to permanently remove the military discharge record from
15 the public record.

16 (c) In order to make a request under subsection (b), the person
17 who is the subject of the military discharge record must:

- 18 (1) make the request in person; and
 - 19 (2) present an unexpired:
 - 20 (A) driver's license;
 - 21 (B) passport; or
 - 22 (C) photographic identification issued by a governmental
23 agency;
- 24 as proof that the person requesting removal of the military
25 discharge record is the person who is the subject of the
26 military discharge record.

27 (d) A county recorder may charge a reasonable fee in an
28 amount authorized by an ordinance adopted by the county
29 legislative body for removal of a military discharge record from
30 the public record under this section.

31 SECTION 4. An emergency is declared for this act.

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