
SENATE BILL No. 599

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-13.1-2-4; IC 5-15; IC 16-37-1-14; IC 35-51-5-1.

Synopsis: Birth and death records. Provides that 25% of the fees established and collected from enhanced access to public records must be deposited in the state archives preservation and reproduction account. Provides, that after June 30, 2014, the state department of health (state department) shall transfer to the commission on public records (commission) all: (1) records concerning certificates of death and certificates of stillbirth, including any accompanying physical and electronic records, 10 years after the death; and (2) records concerning certificates of birth and delayed birth certificates, including any accompanying physical and electronic records, 75 years after the birth. Requires the commission to establish, operate, and maintain a system to accept, store, provide public access to, and issue certificates of birth, death, and stillbirth registrations (vital records). Requires that the commission adopt rules under the same terms and conditions that govern the vital records under the vital statistics laws. Requires the state department to comply with record retention schedules for vital records that are developed by the commission. Provides criminal penalties for violations.

Effective: July 1, 2013.

Waterman

January 15, 2013, read first time and referred to Committee on Public Policy.

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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SENATE BILL No. 599



A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

1 SECTION 1. IC 4-13.1-2-4, AS ADDED BY P.L.177-2005,
2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2013]: Sec. 4. **(a) Subject to subsection (b)**, the chief
4 information officer, in conjunction with:
5 (1) the state librarian or the state librarian's designee;
6 (2) the director of the state commission on public records or the
7 director's designee; and
8 (3) a representative from each of the two (2) state agencies that
9 generate the most revenue under this section;
10 shall establish reasonable fees for enhanced access to public records
11 and other electronic records, so that the revenues generated are
12 sufficient to develop, maintain, operate, and expand services that make
13 public records available electronically. A meeting to establish or revise
14 the fees described in this section is subject to the requirements of
15 IC 5-14-1.5.
16 **(b) Twenty-five percent (25%) of the money collected from fees**
17 **established under subsection (a) must be deposited into the state**



1 **archives preservation and reproduction account (IC 5-15-5.1-5.3).**
 2 **The auditor of state shall transfer the amount of money required**
 3 **under this section to the account each month.**

4 SECTION 2. IC 5-15-5.1-5, AS AMENDED BY P.L.84-2012,
 5 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2013]: Sec. 5. (a) Subject to approval by the oversight
 7 committee on public records created by section 18 of this chapter, the
 8 commission shall do the following:

9 (1) Establish a forms management program for state government
 10 and approve the design, typography, format, logo, data sequence,
 11 form analysis, form number, and agency file specifications of
 12 each form.

13 (2) Establish a central state form numbering system and a central
 14 cross index filing system of all state forms, and standardize,
 15 consolidate, and eliminate, wherever possible, forms used by state
 16 government.

17 (3) Approve, provide, and in the manner prescribed by IC 5-22,
 18 purchase photo-ready copy for all forms.

19 (4) Establish a statewide records management program,
 20 prescribing the standards and procedures for record making and
 21 record keeping. However, the investigative and criminal history
 22 records of the state police department are exempted from this
 23 requirement.

24 (5) Coordinate utilization of all micrographics and scanning
 25 equipment in state government.

26 (6) Assist the Indiana department of administration in
 27 coordinating utilization of all duplicating and printing equipment
 28 in the executive and administrative branches.

29 (7) Advise the Indiana department of administration with respect
 30 to the purchase of all records storage equipment.

31 (8) Establish and operate a distribution center for the receipt,
 32 storage, and distribution of all material printed for an agency.

33 (9) Establish and operate a statewide archival program to be
 34 called the Indiana state archives for the permanent government
 35 records of the state, provide consultant services for archival
 36 programs, conduct surveys, and provide training for records
 37 coordinators.

38 (10) Establish and operate a statewide record preservation
 39 laboratory.

40 (11) Prepare, develop, and implement record retention schedules.

41 (12) Establish and operate a central records center to be called the
 42 Indiana state records center, which shall accept all records

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1 transferred to it, provide secure storage and reference service for
 2 the same, and submit written notice to the applicable agency of
 3 intended destruction of records in accordance with approved
 4 retention schedules.

5 (13) Demand, from any person, organization, or body who has
 6 illegal possession of original state or local government records,
 7 those records, which shall be delivered to the commission.

8 (14) Have the authority to examine all forms and records housed
 9 or possessed by state agencies for the purpose of fulfilling the
 10 provisions of this chapter.

11 (15) In coordination with the office of technology established by
 12 IC 4-13.1-2-1, establish standards to ensure the preservation of
 13 adequate and permanent computerized and auxiliary automated
 14 information records of the agencies of state government.

15 (16) Notwithstanding IC 5-14-3-8, establish a schedule of fees for
 16 services provided to patrons of the Indiana state archives. A
 17 copying fee established under this subdivision may exceed the
 18 copying fee set forth in IC 5-14-3-8(c).

19 **(17) Establish, operate, and maintain a system to accept vital
 20 records (as defined in IC 5-15-9-2) as required by IC 5-15-9.**

21 (b) In implementing a forms management program, the commission
 22 shall follow procedures and forms prescribed by the federal
 23 government.

24 (c) Fees collected under subsection (a)(16) shall be deposited in the
 25 state archives preservation and reproduction account established by
 26 section 5.3 of this chapter.

27 SECTION 3. IC 5-15-9 IS ADDED TO THE INDIANA CODE AS
 28 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 29 1, 2013]:

30 **Chapter 9. Birth and Death Records**

31 **Sec. 1. As used in this chapter "commission" refers to the
 32 commission on public records created by IC 5-15-5.1-3.**

33 **Sec. 2. As used in this chapter, "vital records" refers to all birth,
 34 death, and stillbirth registration information, including any
 35 accompanying records, received by the commission under
 36 IC 16-37-1-14.**

37 **Sec. 3. The commission shall establish and operate a system to:**

- 38 (1) accept and store vital records;
 39 (2) issue certificates of birth, death, and stillbirth
 40 registrations; and
 41 (3) issue certified copies of certificates of birth, death, and
 42 stillbirth registrations;

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1 from records received from the state department of health under
2 IC 16-37-1-14.

3 Sec. 4. (a) The commission shall maintain, store, and issue vital
4 records, including certified vital records under the same terms,
5 conditions, and limitations governing the vital records under
6 IC 16-37-1, including allowing public inspection of information
7 that is not confidential.

8 (b) Subject to subsection (c), the commission shall maintain and
9 store all vital records that the commission receives under this
10 chapter until the records are at least one hundred twenty-five (125)
11 years old.

12 (c) Subject to any other law that requires the retention of a vital
13 record, any accompanying record that is received with the birth,
14 death, and stillbirth registration that is more than one hundred
15 twenty-five (125) years old must be kept according to a retention
16 schedule adopted by the commission.

17 Sec. 5. (a) Notwithstanding IC 5-14-3-8, the commission shall
18 establish a schedule of fees for providing copies of vital records to
19 persons under this chapter. However, the fees may not exceed the
20 fees charged by the state department of health for similar vital
21 records provided under IC 16-37-1.

22 (b) Fees collected under this chapter must be deposited in the
23 state archives preservation and reproduction account established
24 by IC 5-15-5.1-5.3.

25 Sec. 6. The commission shall adopt rules under IC 4-22-2 to
26 make vital records available for medical studies. The rules must
27 comply with the conditions and limitations provided in IC 16-37-4.

28 Sec. 7. The birth record of an adopted child remains subject to
29 the confidentiality provisions of IC 31-19 regarding the release of
30 adoption information.

31 Sec. 8. The state department of health shall comply with record
32 retention schedules for vital records that are developed by the
33 commission.

34 Sec. 9. The commission shall adopt rules under IC 4-22-2 to
35 implement this chapter.

36 Sec. 10. A person who, with intent to defraud:

- 37 (1) makes a false or fraudulent statement in applying to the
38 commission for a certified copy of a birth certificate;
39 (2) makes a false or fraudulent statement in applying to the
40 commission for permission to inspect public birth records
41 held by the commission;
42 (3) alters, counterfeits, or mutilates a certified copy of a birth

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1 certificate issued by the commission; or
2 (4) uses an altered, a counterfeit, or a mutilated certified copy
3 of a birth certificate;
4 commits a Class D felony.

5 Sec. 11. (a) A person who recklessly violates or fails to comply
6 with this chapter commits a Class B misdemeanor.

7 (b) Each day a violation continues constitutes a separate offense.

8 SECTION 4. IC 16-37-1-14 IS ADDED TO THE INDIANA CODE
9 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
10 1, 2013]: Sec. 14. (a) This section applies after June 30, 2014.

11 (b) Notwithstanding any other law and subject to subsection (c),
12 the state department shall transfer the following records to the
13 commission on public records:

14 (1) All records concerning certificates of death and
15 certificates of stillbirth, including any accompanying physical
16 and electronic records, ten (10) years after the death.

17 (2) All records concerning certificates of birth and delayed
18 birth certificates, including any accompanying physical and
19 electronic records, seventy-five (75) years after the birth.

20 (c) The state department before the fifteenth day of the month
21 shall transfer the records that are required to be transferred under
22 subsection (b) during the preceding month.

23 (d) The state department may not issue the following:

24 (1) A certificate of death or a certificate of stillbirth ten (10)
25 years or later after the death.

26 (2) A certificate of birth seventy-five (75) years or later after
27 the birth.

28 However, a person may request a certificate of birth, death, or
29 stillbirth that has been transferred to the commission on public
30 records through the division of the state department administering
31 the system of vital statistics. The commission on public records
32 shall promptly respond to any request received under this
33 subsection.

34 SECTION 5. IC 35-51-5-1, AS AMENDED BY P.L.126-2012,
35 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2013]: Sec. 1. The following statutes define crimes in IC 5:

37 IC 5-1-4-22 (Concerning hospital bonding authorities).

38 IC 5-2-2-11 (Concerning the law enforcement academy building
39 commission).

40 IC 5-2-4-7 (Concerning criminal intelligence information).

41 IC 5-10.4-3-16 (Concerning the Indiana state teacher's retirement
42 fund).

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- 1 IC 5-11-1-18 (Concerning state board of accounts).
- 2 IC 5-15-6-8 (Concerning local public records commissions).
- 3 **IC 5-15-9-10 (Concerning vital records).**
- 4 **IC 5-15-9-11 (Concerning vital records).**
- 5 IC 5-16-7-3 (Concerning wage scale of contractor's and
- 6 subcontractor's employees).
- 7 IC 5-16-9-5 (Concerning parking for persons with physical
- 8 disabilities).
- 9 IC 5-28-15-7 (Concerning enterprise zones).
- 10 IC 5-28-15-8 (Concerning enterprise zones).

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