

SENATE BILL NO. 392
INTRODUCED BY KEATING

IN THE SENATE

FEBRUARY 14, 1991 INTRODUCED AND REFERRED TO COMMITTEE
 ON JUDICIARY.

 FIRST READING.

FEBRUARY 23, 1991 COMMITTEE RECOMMEND BILL
 DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 25, 1991 PRINTING REPORT.

 SECOND READING, DO PASS.

FEBRUARY 26, 1991 ENGROSSING REPORT.

 THIRD READING, PASSED.
 AYES, 48; NOES, 1.

 TRANSMITTED TO HOUSE.

IN THE HOUSE

MARCH 4, 1991 INTRODUCED AND REFERRED TO COMMITTEE
 ON JUDICIARY.

 FIRST READING.

MARCH 18, 1991 COMMITTEE RECOMMEND BILL BE
 CONCURRED IN AS AMENDED. REPORT
 ADOPTED.

MARCH 21, 1991 SECOND READING, CONCURRED IN.

MARCH 23, 1991 THIRD READING, CONCURRED IN.
 AYES, 72; NOES, 27.

 RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

MARCH 28, 1991 RECEIVED FROM HOUSE.

 SECOND READING, AMENDMENTS
 CONCURRED IN.

APRIL 1, 1991 THIRD READING, AMENDMENTS

CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Senate* BILL NO. *392*
2 INTRODUCED BY *[Signature]*

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING PUBLIC ACCESS
5 TO VITAL STATISTICS RECORDS WHEN CONDUCTING A TITLE SEARCH;
6 AND AMENDING SECTIONS 50-15-112 AND 50-15-114, MCA."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 **Section 1.** Section 50-15-112, MCA, is amended to read:
10 "50-15-112. Inspection of records and issuance of
11 copies limited. (1) The department may not permit inspection
12 of the records or issue copies of a certificate unless it is
13 satisfied that the applicant has a direct and tangible
14 interest in the data recorded and that the information is
15 necessary for the determination of personal or property
16 rights.

17 (2) "Tangible interest" includes but is not limited to:

18 (a) the interests of the persons described in 50-15-206
19 for the purposes of custody or child support actions, social
20 security eligibility determinations, or Indian tribal
21 enrollment determinations; and

22 (b) the interest of a funeral director or mortician
23 licensed under Title 37, chapter 19, with respect to the
24 funeral of a deceased individual named on a death
25 certificate; and

1 (c) the interest of a person conducting a title search
2 to determine heirship on property owned or once owned by the
3 deceased."

4 **Section 2.** Section 50-15-114, MCA, is amended to read:
5 "50-15-114. Unlawful acts and penalties. (1) It is
6 unlawful to disclose data in the vital statistics records of
7 the department, local registrars, or county clerk and
8 recorder unless disclosure is authorized by law and approved
9 by the department.

10 (2) A person shall be fined not more than \$1,000,
11 imprisoned not more than 1 year, or both, if:

12 (a) he willfully and knowingly makes any false
13 statement in a report, record, or certificate required to be
14 filed by law or in an application for an amendment thereof
15 or willfully and knowingly supplies false information
16 intending that the information be used in the preparation of
17 any report, record, or certificate or amendment;

18 (b) without lawful authority and with the intent to
19 deceive, he makes, alters, amends, or mutilates any report,
20 record, or certificate required to be filed under law or a
21 certified copy of the report, record, or certificate;

22 (c) he willfully and knowingly uses or attempts to use
23 or furnish to another for use, for any purpose of deception,
24 any certificate, record, report, or certified copy made,
25 altered, amended, or mutilated;

LC 1371/01

1 (d) with the intention to deceive, he willfully uses or
2 attempts to use any birth certificate or certified copy of a
3 birth record knowing that such certificate or certified copy
4 was issued upon a record which is false in whole or in part
5 or which relates to the birth of another person;

6 (e) he willfully and knowingly furnishes a birth
7 certificate or certified copy of a birth record with the
8 intention that it be used by a person other than the person
9 to whom the birth record relates.

10 (3) A person shall be fined not less than \$25 or more
11 than \$500, imprisoned for not more than 30 days, or both,
12 if:

13 (a) he knowingly transports or accepts for
14 transportation, interment, or other disposition a dead body
15 without an accompanying permit as provided by law;

16 (b) he refuses to provide information required by law;

17 (c) he willfully neglects or violates any of the
18 provisions of law or refuses to perform any of the duties
19 imposed upon him by law."

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

SENATE BILL NO. 392
INTRODUCED BY KEATING

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING PUBLIC ACCESS
TO ~~VITAL---STATISTICS---RECORDS~~ DEATH CERTIFICATES WHEN
CONDUCTING A TITLE SEARCH; AND AMENDING SECTIONS 50-15-112
AND 50-15-114, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 50-15-112, MCA, is amended to read:

"50-15-112. **Inspection of records and issuance of
copies limited.** (1) ~~The~~ EXCEPT AS PROVIDED IN SUBSECTION
(3), THE department AND COUNTY CLERK AND RECORDERS may not
permit inspection of the records or issue copies of a
certificate unless it is satisfied that the applicant has a
direct and tangible interest in the data recorded and that
the information is necessary for the determination of
personal or property rights.

(2) "Tangible interest" includes but is not limited to:

(a) the interests of the persons described in 50-15-206
for the purposes of custody or child support actions, social
security eligibility determinations, or Indian tribal
enrollment determinations; and

(b) the interest of a funeral director or mortician
licensed under Title 37, chapter 19, with respect to the

funeral of a deceased individual named on a death
certificate, ~~and.~~

~~(c)(3) the--interest-of~~ THE DEPARTMENT AND COUNTY CLERK
AND RECORDERS MAY PERMIT INSPECTION OF A DEATH CERTIFICATE
BY AND ISSUES A COPY OF A DEATH CERTIFICATE TO a person
conducting a title search to determine heirship on property
owned or once owned by the deceased."

Section 2. Section 50-15-114, MCA, is amended to read:

"50-15-114. **Unlawful acts and penalties.** (1) It is
unlawful to disclose data in the vital statistics records of
the department, local registrars, or county clerk and
recorder unless disclosure is authorized by law ~~and approved
by the department.~~

(2) A person shall be fined not more than \$1,000,
imprisoned not more than 1 year, or both, if:

(a) he willfully and knowingly makes any false
statement in a report, record, or certificate required to be
filed by law or in an application for an amendment thereof
or willfully and knowingly supplies false information
intending that the information be used in the preparation of
any report, record, or certificate or amendment;

(b) without lawful authority and with the intent to
deceive, he makes, alters, amends, or mutilates any report,
record, or certificate required to be filed under law or a
certified copy of the report, record, or certificate;

1 (c) he willfully and knowingly uses or attempts to use
2 or furnish to another for use, for any purpose of deception,
3 any certificate, record, report, or certified copy made,
4 altered, amended, or mutilated;

5 (d) with the intention to deceive, he willfully uses or
6 attempts to use any birth certificate or certified copy of a
7 birth record knowing that such certificate or certified copy
8 was issued upon a record which is false in whole or in part
9 or which relates to the birth of another person;

10 (e) he willfully and knowingly furnishes a birth
11 certificate or certified copy of a birth record with the
12 intention that it be used by a person other than the person
13 to whom the birth record relates.

14 (3) A person shall be fined not less than \$25 or more
15 than \$500, imprisoned for not more than 30 days, or both,
16 if:

17 (a) he knowingly transports or accepts for
18 transportation, interment, or other disposition a dead body
19 without an accompanying permit as provided by law;

20 (b) he refuses to provide information required by law;

21 (c) he willfully neglects or violates any of the
22 provisions of law or refuses to perform any of the duties
23 imposed upon him by law."

-End-

1 SENATE BILL NO. 392
2 INTRODUCED BY KEATING

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING PUBLIC ACCESS
5 TO ~~VITAL---STATISTICS---RECORDS~~ DEATH CERTIFICATES WHEN
6 CONDUCTING A TITLE SEARCH; AND AMENDING SECTIONS 50-15-112
7 AND 50-15-114, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 **Section 1.** Section 50-15-112, MCA, is amended to read:

11 "50-15-112. Inspection of records and issuance of
12 copies limited. (1) THE EXCEPT AS PROVIDED IN SUBSECTION
13 (3), THE department AND COUNTY CLERK AND RECORDERS may not
14 permit inspection of the records or issue copies of a
15 certificate unless it is satisfied that the applicant has a
16 direct and tangible interest in the data recorded and that
17 the information is necessary for the determination of
18 personal or property rights.

19 (2) "Tangible interest" includes but is not limited to:

20 (a) the interests of the persons described in 50-15-206
21 for the purposes of custody or child support actions, social
22 security eligibility determinations, or Indian tribal
23 enrollment determinations; and

24 (b) the interest of a funeral director or mortician
25 licensed under Title 37, chapter 19, with respect to the

1 funeral of a deceased individual named on a death
2 certificate ~~and.~~

3 ~~(c)(3) the--interest-of~~ THE DEPARTMENT AND COUNTY CLERK
4 AND RECORDERS MAY PERMIT INSPECTION OF A DEATH CERTIFICATE
5 BY AND ISSUES A COPY OF A DEATH CERTIFICATE TO a person
6 conducting a title search to determine heirship on property
7 owned or once owned by the deceased."

8 **Section 2.** Section 50-15-114, MCA, is amended to read:

9 "50-15-114. Unlawful acts and penalties. (1) It is
10 unlawful to disclose data in the vital statistics records of
11 the department, local registrars, or county clerk and
12 recorder unless disclosure is authorized by law ~~and approved~~
13 ~~by the department.~~

14 (2) A person shall be fined not more than \$1,000,
15 imprisoned not more than 1 year, or both, if:

16 (a) he willfully and knowingly makes any false
17 statement in a report, record, or certificate required to be
18 filed by law or in an application for an amendment thereof
19 or willfully and knowingly supplies false information
20 intending that the information be used in the preparation of
21 any report, record, or certificate or amendment;

22 (b) without lawful authority and with the intent to
23 deceive, he makes, alters, amends, or mutilates any report,
24 record, or certificate required to be filed under law or a
25 certified copy of the report, record, or certificate;

1 (c) he willfully and knowingly uses or attempts to use
2 or furnish to another for use, for any purpose of deception,
3 any certificate, record, report, or certified copy made,
4 altered, amended, or mutilated;

5 (d) with the intention to deceive, he willfully uses or
6 attempts to use any birth certificate or certified copy of a
7 birth record knowing that such certificate or certified copy
8 was issued upon a record which is false in whole or in part
9 or which relates to the birth of another person;

10 (e) he willfully and knowingly furnishes a birth
11 certificate or certified copy of a birth record with the
12 intention that it be used by a person other than the person
13 to whom the birth record relates.

14 (3) A person shall be fined not less than \$25 or more
15 than \$500, imprisoned for not more than 30 days, or both,
16 if:

17 (a) he knowingly transports or accepts for
18 transportation, interment, or other disposition a dead body
19 without an accompanying permit as provided by law;

20 (b) he refuses to provide information required by law;

21 (c) he willfully neglects or violates any of the
22 provisions of law or refuses to perform any of the duties
23 imposed upon him by law."

-End-

HOUSE STANDING COMMITTEE REPORT

March 18, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that Senate Bill 392 (third reading copy -- blue) be concurred in as amended .

Signed: 

Bill Strizich, Chairman

carried by: Rep. J. Rice

And, that such amendments read:

1. Page 2, line 4.

Following: "MAY"

Insert: ", if satisfied that the information is necessary for the determination of property rights,"

2. Page 2, line 5.

Strike: "ISSUES"

Insert: "ISSUE"

HOUSE
SB 392

SENATE BILL NO. 392
INTRODUCED BY KEATING

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING PUBLIC ACCESS TO ~~VITAL---STATISTICS---RECORDS~~ DEATH CERTIFICATES WHEN CONDUCTING A TITLE SEARCH; AND AMENDING SECTIONS 50-15-112 AND 50-15-114, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 50-15-112, MCA, is amended to read:

"50-15-112. Inspection of records and issuance of copies limited. (1) THE EXCEPT AS PROVIDED IN SUBSECTION (3), THE department AND COUNTY CLERK AND RECORDERS may not permit inspection of the records or issue copies of a certificate unless it is satisfied that the applicant has a direct and tangible interest in the data recorded and that the information is necessary for the determination of personal or property rights.

(2) "Tangible interest" includes but is not limited to:

(a) the interests of the persons described in 50-15-206 for the purposes of custody or child support actions, social security eligibility determinations, or Indian tribal enrollment determinations; and

(b) the interest of a funeral director or mortician licensed under Title 37, chapter 19, with respect to the

funeral of a deceased individual named on a death certificate, ~~and.~~

(c)(3) the--interest-of THE DEPARTMENT AND COUNTY CLERK AND RECORDERS MAY, IF SATISFIED THAT THE INFORMATION IS NECESSARY FOR THE DETERMINATION OF PROPERTY RIGHTS, PERMIT INSPECTION OF A DEATH CERTIFICATE BY AND ISSUES ISSUE A COPY OF A DEATH CERTIFICATE TO a person conducting a title search to determine heirship on property owned or once owned by the deceased."

Section 2. Section 50-15-114, MCA, is amended to read:

"50-15-114. Unlawful acts and penalties. (1) It is unlawful to disclose data in the vital statistics records of the department, local registrars, or county clerk and recorder unless disclosure is authorized by law ~~and-approved by-the-department.~~

(2) A person shall be fined not more than \$1,000, imprisoned not more than 1 year, or both, if:

(a) he willfully and knowingly makes any false statement in a report, record, or certificate required to be filed by law or in an application for an amendment thereof or willfully and knowingly supplies false information intending that the information be used in the preparation of any report, record, or certificate or amendment;

(b) without lawful authority and with the intent to deceive, he makes, alters, amends, or mutilates any report,

1 record, or certificate required to be filed under law or a
2 certified copy of the report, record, or certificate;

3 (c) he willfully and knowingly uses or attempts to use
4 or furnish to another for use, for any purpose of deception,
5 any certificate, record, report, or certified copy made,
6 altered, amended, or mutilated;

7 (d) with the intention to deceive, he willfully uses or
8 attempts to use any birth certificate or certified copy of a
9 birth record knowing that such certificate or certified copy
10 was issued upon a record which is false in whole or in part
11 or which relates to the birth of another person;

12 (e) he willfully and knowingly furnishes a birth
13 certificate or certified copy of a birth record with the
14 intention that it be used by a person other than the person
15 to whom the birth record relates.

16 (3) A person shall be fined not less than \$25 or more
17 than \$500, imprisoned for not more than 30 days, or both,
18 if:

19 (a) he knowingly transports or accepts for
20 transportation, interment, or other disposition a dead body
21 without an accompanying permit as provided by law;

22 (b) he refuses to provide information required by law;

23 (c) he willfully neglects or violates any of the
24 provisions of law or refuses to perform any of the duties
25 imposed upon him by law."

-End-