

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 564

Short Title: Vital Records Law Change.

(Public)

Sponsors: Senator Harris.

Referred to: Judiciary I.

March 25, 1993

A BILL TO BE ENTITLED

AN ACT TO AMEND THE VITAL RECORDS LAW TO ENSURE THE INTEGRITY OF ALL VITAL RECORDS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-26 reads as rewritten:

"§ 130A-26. Violations of Article 4.

A person who commits any of the following acts shall be guilty of a general misdemeanor:

- (1) Willfully and knowingly makes any false statement in a certificate, record or report required by Article 4 of this Chapter or in an application for a certified copy of a vital record, or who willfully and knowingly supplies false information intending that the information be used in the preparation of any report, record, or certificate, or amendment;
- (2) Without lawful authority and with the intent to deceive makes, counterfeits, alters, amends or mutilates a certificate, record or report required by Article 4 of this Chapter or a certified copy of the certificate, record or report;
- (3) Willfully and knowingly obtains, possesses, uses, sells or furnishes to another person, for any purpose of deception, a certificate, record or report required by Article 4 of this Chapter or a certified copy of the certificate, record or report, which is counterfeited, altered, amended or mutilated, or which is false in whole or in part or which relates to the birth of another person, whether living or deceased;

- 1 (4) A person employed by the Vital Records Branch or designated under
2 Article 4 of this Chapter who willfully and knowingly furnishes or
3 processes a certificate of birth, or certified copy of a certificate of
4 birth, with the knowledge or intention that it be used for the purposes
5 of deception; ~~or~~
- 6 (5) Without lawful authority possesses a certificate, record or report
7 required by Article 4 of this Chapter or a certified copy of the
8 certificate, record or report knowing that it was stolen or otherwise
9 unlawfully obtained;
- 10 (6) Remove or permit the removal of a dead body of a human being
11 without authorization provided in Article 4 of this Chapter;
- 12 (7) Refuse or fail to furnish correctly any information in the person's
13 possession or shall furnish false information affecting a certificate or
14 record required by Article 4 of this Chapter;
- 15 (8) Willfully alter, except as provided by G.S. ~~130A-123~~, G.S. 130A-118,
16 or falsify a certificate or record required by Article 4 of this Chapter;
17 or willfully alter, falsify or change a photocopy, certified copy, extract
18 copy or any document containing information obtained from an
19 original or copy of a certificate or record required by Article 4 of this
20 Chapter or willfully make, create or use any altered, falsified or
21 changed record, reproduction, copy or document for the purpose of
22 attempting to prove or establish for any purpose whatsoever any matter
23 purported to be shown on it;
- 24 (8a) Without lawful authority, manufacture or possess a Vital Records
25 Section seal, a reproduction, or a counterfeit copy of the seal;
- 26 (9) With the intention to deceive, willfully use or attempt to use a
27 certificate of birth or certified copy of a record of birth knowing that
28 the certificate or certified copy was issued upon a record which is false
29 in whole or in part or which relates to the birth of another person;
- 30 (10) Willfully and knowingly furnish a certificate of birth or certified copy
31 of a record of birth with the intention that it be used by an
32 unauthorized person or for an unauthorized purpose; or
- 33 (11) Fail, neglect or refuse to perform any act or duty required by Article 4
34 of this Chapter or by the instructions of the State Registrar prepared
35 under authority of the Article."

36 Sec. 2. G.S. 130A-92(a) reads as rewritten:

37 "(a) The State Registrar shall secure and maintain all vital records required under
38 this Article and shall do all things necessary to carry out its provisions. The State
39 Registrar shall:

- 40 (1) Examine vital records received from local registrars to determine if
41 these records are complete and satisfactory, and require the provision
42 of information necessary to make the records complete and
43 satisfactory;

- 1 (2) Permanently preserve the information from vital records in a
2 systematic manner in adequate fireproof space which shall be provided
3 in a State building by the Department of Administration, and maintain
4 a comprehensive and continuous index of all vital records;
- 5 (3) Prepare and supply or approve all forms used in carrying out the
6 provisions of this ~~Article which shall be the only forms used to file vital~~
7 ~~records in this State;~~ Article;
- 8 (4) Appoint local registrars as required by G.S. 130A-95 and exercise
9 supervisory authority over local registrars, deputy local registrars and
10 sub-registrars;
- 11 (5) Enforce the provisions of this Article, investigate cases of irregularity
12 or violations and report violations to law- enforcement officials for
13 prosecution under G.S. 130A-26;
- 14 (6) Conduct studies and research and recommend to the General Assembly
15 any additional legislation necessary to carry out the purposes of this
16 Article; and
- 17 (7) Adopt rules necessary to carry out the provisions of this Article."

18 Sec. 3. G.S. 130A-93(a) reads as rewritten:

19 "(a) Only the State Registrar shall have access to original vital ~~records~~ records and
20 to indices to the original vital records, except that the State Registrar may specifically
21 authorize county officials to have access to the indices to the original vital records."

22 Sec. 4. This act becomes effective December 1, 1993, and applies to vital
23 records, vital records access, and acts on or after that date.