

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 818
Committee Substitute Favorable 4/23/03
Senate State Government, Local Government, and Veterans' Affairs Committee
Substitute Adopted 5/29/03

Short Title: Safekeeping Military Discharge Documents.

(Public)

Sponsors:

Referred to:

April 1, 2003

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE SAFEKEEPING OF MILITARY DISCHARGE DOCUMENTS AND TO PREVENT DISCLOSURE TO UNAUTHORIZED PARTIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 47-113.1 is repealed.

SECTION 2. Chapter 47 of the General Statutes is amended by adding a new section to read:

"§ 47-113.2. Restricting access to military discharge documents.

(a) This act provides that the images and index of all military discharge documents filed after the effective date shall be considered a public record but for confidential safekeeping and restricted access to such documents, these documents will be filed with the registers of deeds in this State. These documents will be exempt from public inspection and access except as allowed in subsection (b) of this section.

(b) Definitions:

(1) Authorized party. – Four categories of authorized parties are recognized with respect to access to military discharge documents under subsection (d) of this section:

a. Subject of the document.

b. Agents and representatives of the subject authorized in writing:

1. By the subject or subject's widow or widower in a notarized authorization,
2. By a court to represent subject, or
3. By the subject's executor acting on behalf of a deceased subject.

c. Authorized agent of the North Carolina Division of Veterans Affairs, the United States Department of Veterans Affairs, the

1 Department of Defense, or a court official with an interest in
2 assisting the subject or the deceased subject's beneficiaries to
3 obtain a benefit.

4 d. Agents or representatives of the North Carolina State Archives.

5 (2) Filing office. – The office where military discharge documents are
6 recorded, registered, or filed in this State is the register of deeds.

7 (3) Military discharge document. – Any document that purports to
8 represent a notice of separation from or service in any armed forces of
9 the United States or of any state, including, but not limited to,
10 Department of Defense Form 214 or 215, WD AGO 53, WD AGO 55,
11 WD AGO 53-55, NAVMC 78-PD, and NAVPERS 553, or any other
12 letter relating to the separation from the armed forces.

13 (c) A military discharge document shall be accepted for filing upon presentation
14 in person.

15 (1) The filing officer may refuse to accept any document that is:

16 a. Not submitted in person by an authorized party in accordance
17 with subsection (b) of this section.

18 b. Not an original, a carbon copy, or a photographic copy issued or
19 certified by an agency of federal or State government.

20 (d) No copy of a military discharge document or any other information from such
21 document filed after the effective date of this act shall be made available other than in
22 accordance with subsection (b) or (h) of this section.

23 (1) Certified copy of a military discharge document will be made available
24 only in accordance with subsection (e) of this section and only by
25 individual request.

26 (2) Uncertified copy of a military discharge document will be made
27 available to an authorized party in accordance with subsection (b) of
28 this section and only by individual request.

29 (e) The North Carolina Association of Registers of Deeds and the North Carolina
30 Division of Veterans Affairs shall adopt before the effective date of this act such request
31 forms and associated rules as are required to implement the provisions of this act. All
32 filing offices shall use the forms and comply with the rules, as adopted.

33 (1) Completed request forms shall be maintained in the register of deeds
34 for a period of one year.

35 (2) The request forms shall not be considered public records and subject to
36 the same restricted access as the military discharge document.

37 (f) In the event images of and the index to military discharge documents filed
38 prior to the effective date of this act have not been commingled with other publicly
39 available document images and their index in a filing office, the images and the index
40 will be maintained and are subject to all the provisions of this act that apply to newly
41 filed documents.

42 (g) The register of deeds shall, to the greatest extent possible, take appropriate
43 protective actions in accordance with any limitations determined necessary by the

1 register of deeds with regard to records that were filed before the effective date of this
2 act.

3 (h) Subsection (d) of this section shall not apply to images of military discharge
4 documents that have been on file for over 50 years.

5 (i) There shall be no fee charged for filing military discharge documents or for
6 providing certified copies of military discharge documents provided to those who have a
7 right to access under subsection (d) of this section. Uncertified copy of a military
8 discharge document that becomes public record under subsection (h) of this section is
9 subject to fee as determined in G.S. 161-10(a)(11).

10 (j) Filing offices shall be responsible for the cost of compliance with this act.

11 (k) Recording officials shall not be liable for any damages that may result from
12 good faith compliance with the provisions of this act.

13 (l) The words 'register of deeds' appearing in this section shall be interpreted to
14 mean 'register of deeds, assistant register of deeds, or deputy register of deeds'.

15 **SECTION 3.** This act becomes effective January 1, 2004.