

SENATE BILL NO. 49
INTRODUCED BY SHEA

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE DISCLOSURE OF MILITARY DISCHARGE CERTIFICATES TO UNAUTHORIZED INDIVIDUALS; AMENDING SECTIONS 2-6-401 AND 7-4-2614, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 2-6-401, MCA, is amended to read:

"2-6-401. Definitions. For the purposes of this part, the following definitions apply:

(1) "Local government" means:

- (a) any city, town, county, consolidated city-county, or school district; and
- (b) any subdivision of an entity named in subsection (1)(a).

(2) (a) "Public records" includes any paper, correspondence, form, book, photograph, microfilm, magnetic tape, computer storage media, map, drawing, or other document, including all copies of the record, regardless of physical form or characteristics, that has been made or received by any local government in connection with the transaction of official business and preserved for informational value or as evidence of a transaction and all other records or documents required by law to be filed with or kept by any local government in the state of Montana, except military discharge certificates filed under 7-4-2614.

(b) The term includes electronic mail sent or received in connection with the transaction of official duties.

(3) "Records custodian" means any individual responsible for the proper filing, storage, or safekeeping of any public records."

Section 2. Section 7-4-2614, MCA, is amended to read:

"7-4-2614. Records of certificates of discharge from military service. (1) It is the duty of the county clerk of any county of this state to record, without charge and in a book kept for that purpose, the certificate of discharge of an honorably discharged person, regardless of sex, who served with the United States forces.

(2) MILITARY DISCHARGE CERTIFICATES ARE CONFIDENTIAL AND ARE EXEMPT FROM THE PROVISIONS OF TITLE 2, CHAPTER 6. A military discharge certificate may not be disclosed ONLY to individuals other than the person who filed the certificate or an individual authorized by the service member.

(A) THE SERVICE MEMBER WHO FILED THE CERTIFICATE;

(B) IF THE SERVICE MEMBER IS DECEASED, THE NEXT OF KIN OF THE SERVICE MEMBER OR A MORTUARY, AS DEFINED IN 10-2-111, FOR THE PURPOSES OF SECURING THE BURIAL BENEFITS TO WHICH THE SERVICE MEMBER IS ENTITLED;

(C) A VETERANS' SERVICE OFFICER OR A VETERANS' SERVICE ORGANIZATION, AS DEFINED IN 10-2-111;

(D) THE VETERANS' AFFAIRS DIVISION OF THE MONTANA DEPARTMENT OF MILITARY AFFAIRS; OR

(E) ANY PERSON WITH WRITTEN AUTHORIZATION FROM THE SERVICE MEMBER OR FROM THE NEXT OF KIN OF THE SERVICE MEMBER, IF THE SERVICE MEMBER IS DECEASED.

~~(3) A person who filed a military discharge certificate pursuant to this section may request that the certificate be returned and that any record of it be destroyed."~~

NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

- END -