

## 1 HOUSE BILL NO. 491

2 INTRODUCED BY M. FUNK

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ACCESS TO MILITARY DISCHARGE RECORDS;  
5 PROVIDING RULEMAKING AUTHORITY; AMENDING SECTION 7-4-2614, MCA; AND PROVIDING AN  
6 IMMEDIATE EFFECTIVE DATE."

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

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10 NEW SECTION. Section 1. Release of military discharge documents -- rulemaking. (1) Subject  
11 to subsection (2), the Montana veterans' affairs division shall release on request a military discharge document  
12 that is dated 62 years or more before the date on which the request is made and that is a public record  
13 pursuant to 5 U.S.C. 552a and implementing federal regulations.

14 (2) (a) A request for a military discharge document under this section must be made on a form  
15 prescribed by the board and contain enough information to make the document discoverable.

16 (b) If a military discharge document contains a social security number, that number must be redacted  
17 before the document is released.

18 (3) The board may adopt rules to administer this section.

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

21 **"7-4-2614. Records of ~~certificates of~~ discharge from military service.** (1) It is the duty of the  
22 county clerk of any county of this state to record, without charge and in a book kept for that purpose, the  
23 ~~certificate document~~ of discharge of an honorably discharged person who served with the United States forces  
24 upon that person's request. It is not the clerk's duty to file the ~~certificate document~~.

25 (2) A record of a military discharge ~~certificate~~ is confidential information as defined in 2-6-1002 and is  
26 protected from disclosure, except as provided in this section. A military discharge ~~certificate document~~ may be  
27 disclosed only to:

28 (a) the service member for whom the ~~certificate document~~ was recorded;

1 (b) if the service member is deceased, the next of kin of the service member or a mortuary, as defined  
2 in 10-2-111, for the purposes of securing the burial benefits to which the service member is entitled;

3 (c) a veterans' service officer or a veterans' service organization, as defined in 10-2-111;

4 (d) the veterans' affairs division of the Montana department of military affairs; ~~or~~

5 (e) any person with written authorization from the service member or from the next of kin of the  
6 service member, if the service member is deceased; or

7 (f) a person who presents a written request for a military discharge document with a discharge date  
8 that is 62 years or more prior to the date on which the request is made and that is a public record under 5  
9 U.S.C. 552a and implementing federal regulations. However, if the military discharge document contains a  
10 social security number, that number must be redacted before the document is released.

11 (3) If an original discharge ~~certificate~~ document was inadvertently filed and the county clerk still  
12 retains the ~~certificate~~ document in its original form, upon the written request of the service member or of the  
13 service member's next of kin if the service member is deceased, the clerk shall return the filed ~~certificate~~  
14 document to the service member or to the service member's next of kin if the service member is deceased.

15 (4) For purposes of this section:

16 (a) "file" means to store in original form; and

17 (b) "record" means to make and keep a copy from which a certified original copy can be reproduced."  
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19 NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an  
20 integral part of Title 10, and the provisions of Title 10 apply to [section 1].

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22 NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.

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