

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 125
Judiciary

(Delegate Rogers, *et al.*)

Judicial Proceedings

Courts – Military Records – Recordation and Inspection

This bill authorizes the clerk of the circuit court of each county to keep an electronic record instead of a book for purposes of recording and indexing the discharge papers of a person who has served in the uniformed services of the United States. The bill also alters specified provisions related to (1) the exceptions to the mandatory denial of inspection of a discharge record and (2) certified copies of a discharge record.

Fiscal Summary

State Effect: The bill’s requirements can be handled by the Judiciary with existing resources. Revenues are not affected.

Local Effect: The bill does not materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Bill Summary/Current Law: Under current law, the clerk of the circuit court of each county must keep a book to record and index the discharge papers of any person who (at any time) has served in the Armed Forces of the United States and presents the discharge papers for recording. A clerk may not charge a fee for the recording or indexing of the discharge papers. The bill allows the clerk of circuit court to keep an electronic record instead of a book for purposes of recording and indexing discharge papers of any person who has served in the *uniformed services* of the United States.

Currently, a clerk must deny inspection of the book (and the book's record and index), except:

- to a party in a civil, administrative, or criminal proceeding in a federal or state court or government agency, or the party's attorney, as specified;
- to a person in interest;
- in accordance with a subpoena or court order; or
- for good cause shown, to a relative of the person who is the subject of the discharge papers, if the request for inspection is made at least 70 years after the discharge papers were presented for recording.

The bill alters the last exception that allows inspection under certain circumstances when a request is made at least 70 years after the discharge papers were presented for recording by:

- removing the requirements that (1) good cause be shown and (2) the individual requesting inspection be a relative of the person who is the subject of the discharge papers; and
- adding as a prerequisite to disclosure that the clerk of the circuit court has redacted the Social Security number of the person in interest from any portion of the book or electronic record.

Under current law, a clerk may provide a certified copy of the discharge record in accordance with the above exceptions. The bill does not alter the requirement that in order to receive a certified copy of records that were presented for recording at least 70 years ago, the requesting individual must be a relative of the person who is the subject of the discharge papers; however, the bill does remove the requirement for good cause to be shown.

A "person in interest" means a person or governmental unit (or designee), that is the subject of a public record; the parent or legal representative of the person if the person has a legal disability; or the spouse, adult child, parent, adult sibling, grandparent, or guardian of the person of the deceased at the time of the deceased's death who make requests for correction of death certificates, as specified.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 159 (Senator Gile, *et al.*) - Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Legislative Services

Fiscal Note History: First Reader - January 22, 2024
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