

SENATE BILL 159

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(PRE-FILED)

4r0665
CF HB 125

By: **Senators Gile, Beidle, Carozza, Klausmeier, and Smith**

Requested: September 21, 2023

Introduced and read first time: January 10, 2024

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: February 6, 2024

CHAPTER _____

1 AN ACT concerning

2 **Courts – Military Records – Recordation and Inspection**

3 FOR the purpose of altering certain provisions of law relating to the recordation and
4 inspection of certain military records kept by the clerk of a circuit court; and
5 generally relating to recordation and inspection of military records.

6 BY repealing and reenacting, with amendments,

7 Article – Courts and Judicial Proceedings

8 Section 2–207

9 Annotated Code of Maryland

10 (2020 Replacement Volume and 2023 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

12 That the Laws of Maryland read as follows:

13 **Article – Courts and Judicial Proceedings**

14 2–207.

15 (a) For purposes of this section, “person in interest” has the meaning stated in §
16 4–101(g) of the General Provisions Article.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (b) The clerk of the circuit court of each county shall keep a book **OR**
 2 **ELECTRONIC RECORD** and record and index in the book **OR ELECTRONIC RECORD** the
 3 discharge papers of any person who:

4 (1) At any time has served in the ~~armed forces~~ **UNIFORMED SERVICES** of
 5 the United States; and

6 (2) Presents the discharge papers of the person for recording.

7 (c) A clerk may not charge a fee for recording or indexing discharge papers.

8 (d) The record kept by the clerk, or a certified copy of the record, is admissible in
 9 evidence in any court in the State.

10 (e) (1) ~~[A] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A~~ clerk
 11 shall deny inspection of the book **OR ELECTRONIC RECORD**, and the record and index in
 12 the book **OR ELECTRONIC RECORD**, described in this section except:

13 (i) To a party in a civil, administrative, or criminal proceeding in a
 14 federal or state court or government agency, or the party's attorney, who presents evidence
 15 satisfactory to the clerk that the inspection is related to admitting the record or a certified
 16 copy of the record in evidence in the proceeding;

17 (ii) To a person in interest;

18 (iii) In accordance with a subpoena or court order; or

19 (iv) 1. For good cause shown, [to a relative of the person who is
 20 the subject of the discharge papers,] ~~if~~ **IF** the request for inspection is made at least 70
 21 years after the discharge papers were presented for recording; **AND**

22 **2. IF THE CLERK HAS REDACTED THE SOCIAL SECURITY**
 23 **NUMBER OF THE PERSON IN INTEREST FROM ANY PORTION OF THE BOOK OR**
 24 **ELECTRONIC RECORD.**

25 ~~**(2) A CLERK SHALL REDACT THE SOCIAL SECURITY NUMBER OF AN**~~
 26 ~~**INDIVIDUAL FROM ANY PORTION OF THE BOOK OR ELECTRONIC RECORD, AND ANY**~~
 27 ~~**RECORD OR INDEX IN THE BOOK OR ELECTRONIC RECORD IN WHICH THE SOCIAL**~~
 28 ~~**SECURITY NUMBER APPEARS.**~~

29 ~~[(2)] **(3)**~~ A clerk may provide a certified copy of a record described in this
 30 section only:

31 (i) To a party in a civil, administrative, or criminal proceeding in a
 32 federal or state court or government agency, or the party's attorney, who presents evidence

1 satisfactory to the clerk that the certified copy is for the purpose of admission in evidence
2 in the proceeding;

3 (ii) To a person in interest;

4 (iii) In accordance with a subpoena or court order; or

5 (iv) ~~For good cause shown, to~~ **TO** a relative of the person who is the
6 subject of the discharge papers, if the request for a certified copy is made at least 70 years
7 after the discharge papers were presented for recording.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2024.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.