

Maryland Military Coalition SB0159 Written Testimo

Uploaded by: DAVID Dragics

Position: FAV



MARYLAND MILITARY COALITION

Serving Veterans through Legislative Advocacy

January 29, 2024

The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee
2 East
Miller Senate Office Building
Annapolis, MD 21401

Subject: **Request for FAVORABLE Report** – SB0159 – Courts – Military Records –
Recordation and Inspection

Dear Chair Smith and distinguished members of the Judicial Proceedings Committee:

On behalf of the members of the Maryland Military Coalition (MMC) and as its Legislative Director, I write to recommend a **FAVORABLE report** by the Committee on ***SB 0159 – Courts – Military Records – Recordation and Inspection***, sponsored by Senator Dawn Gile. This bill will alter certain provisions of the law relating to the recordation and inspection of certain military records kept by the clerk of a circuit court by including electronic records of discharge papers of any person who has served in the armed forces of the United States and presented those papers to the clerk for recording. The bill also requires the redacting of the Social Security number of an individual from any portion of the book or electronic record and any index in the book or electronic record in which the Social Security number appears.

The provisions of this bill modernize Section 2-207 of Article – Courts and Judicial Proceedings. It will bring this important recordkeeping in line with current best practices and, most importantly, prevent and protect from the potential fraudulent misuse of an individual's Social Security number in the event a certified copy of the record is released.

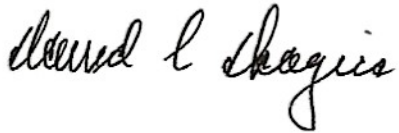
The Maryland Military Coalition **strongly supports** SB0159 and asks for a **FAVORABLE** report from the Judicial Proceedings Committee. This bill ensures that there will be no identity theft upon the proper release of an individual's discharge papers.

The Maryland Military Coalition is a registered non-profit, non-partisan advocacy organization comprised of 21 prominent Maryland-based veteran and military groups, representing over 150,000 service-connected individuals, including those currently serving, veterans, retirees and their families, caregivers, and survivors.

Request for FAVORABLE Report – SB0159 – Courts – Military Records – Recordation and Inspection

We want to thank Senator Dawn Gile for sponsoring this legislation and her continued strong support of the veterans community in Maryland.

Respectfully,

A handwritten signature in black ink that reads "David L. Dragics". The signature is written in a cursive, flowing style.

David L. Dragics
COL USA (Ret)
Legislative Director

Member Organizations, Maryland Military Coalition

James P. Monahan
Air Force Sergeants Association

John P. May
American Military Society

Elwood R. Raphael Gray
American Minority Veterans Research Project

C. W. Allen
Association of the United States Navy

Lynn A. Gash
Commissioned Officers Association of the
US Public Health Service

Wilbert B. Fisher
Disabled American Veterans

Dillard H. Hood
Distinguished Flying Cross Association

Phyllis J. Collins
Fleet Reserve Association

Dillard H. Hood
Jewish War Veterans of the USA

Steve L. Blood
Maryland Air National Guard Retirees'
Association

Emmett R. Pickett
Maryland Veterans Chamber of Commerce

Robert J. Winton
Military Officers Association of America

Charles E. Galt
Military Order of the Purple Heart

E. J. ...
Montford Point Marines of America

M. L. Messer
National Association for Black Veterans

Michael P. Hays
Naval Enlisted Reserve Association

Christian Andreasen
NOAA Association of Commissioned Officers

John S. ...
Reserve Organization of America

Catherine L. McShaw
Society of Military Widows

E. J. ...
National Active and Retired Federal Employees
Veterans Affairs Directorate, NARFE MD

M. Blackwell
Veterans of Foreign Wars

Written Testimony for SB0159 .pdf

Uploaded by: Denise Robinson

Position: FAV

SBO159 Courts - Military Records - Recordation and Inspection
Judicial Proceedings Committee – January 30, 2024
Sponsor: Senator Dawn Gile
Position: Favorable

Testimony of Denise Robinson, founder, The Legacy of Honor Project.

Thank you, Chairman Smith, Vice Chairman Waldstreicher, and members of the committee, for the opportunity to testify in support of Senate Bill 159. For the record, my name is Denise Robinson, in 2016 I founded The Legacy of Honor Project: researching, telling the stories, and honoring the men and women who served in WWI and WWII with an emphasis on those who died while serving.

To keep my testimony short, I am going to concentrate my testimony to WWII discharge & separation paper and why access be granted for historical and other purposes- Why I support this bill.

Over 16 million Americans served in WWII. Approximately 288,000 Marylanders served- of those- 61% drafted, 39% enlisted. Service members at the end of the war were issued a WD-AGO- 53-55- separation papers. If they were part of the National Guard or the Reserves they were issued a Certificate of Service.

After World War II, service members could **voluntarily** file their papers at the local courthouse. Their discharge papers were filed to prove honorable discharge status so they could receive military benefits such as hospital care, college tuition, mortgages, land lotteries, burial rights, and a right to a headstone by the VA.

Besides their WD-AGO 53-55 papers the only other proof of honorable service was the service member's actual military record which was filed in St. Louis at the National Archives by the military. On 12 July 1973, there was a massive fire at the Archives in St. Louis- 80% of the records were destroyed for men/women who served

between 1 November 1912- January 1950. 80% of Air Force records were destroyed for those who served from 25 September 1947 – 1 January 1964.

If a person requests a WWII service record from the National Archives, the archives staff will try to recreate the record- i.e. see what burned pieces may be left and put together a partial record. Sometimes that isn't even possible. The process from start to finish could take months to years- for only a partial or no record. There is also a fee for their research.

The one document that has a service member's complete chronological history is the WD-AGO 53-55. If a service member filed their papers at the courthouse, a more accurate and complete military history can be compiled in less time.

Some of the information on the discharge papers the National Archives and the State of Maryland have already been released to the public. In 1965 The War Records Division of Maryland released a 5-volume set, Maryland in the World War II; Register of Service Personnel containing the name and service number of every Marylander that enlisted or was drafted from Maryland. In 2004, the National Archives released enlistment records which included the person's name, place of enlistment, home state, birth year and service number.

The above information is not enough to compile a person's service record or prove benefits. In World War II- there were 91 Army Division, 42 National Guard Divisions. Each Division had approximately 15,000 troops. The Army Air Corps (Air Force) had an additional 15 divisions. The Navy had 7,601 ships, add land units, and Air wings- over 10,000 division type records to search. The Marines had 6 Divisions- 589,852 Marines served in those six. To find one person's military history in over 17

million records is near impossible unless a person has access to the service member's discharge papers.

(To help with the next section, at the end of this written testimony I have included my great Uncle Howard's discharge papers.)

The most important information a historian or researcher needs to accurately put together a full military history or prove 'actual' service are;

The top stamp-Honorable Discharge- proves eligibility for VA benefits- including burial and the right to a VA headstone (even if burial is in a private cemetery)

Box 9- company and unit. This one box narrows the search from 17 million records to their company of 150 – 200 troops. Now one can search unit histories, morning reports (usually listed promotions, transfers), after-action reports, rosters, and general orders. One can also search for oral histories of others who served in the unit for additional details.

Box 7- date of discharge- this date is needed to complete an application for a headstone request from the VA.

Box 24- Date of entry – date of enlistment and date of entry can be different. It verifies they served. A person can enlist, have a service number and never serve- example they were denied service due to medical conditions.

Box 33 decorations and citations. This box is proof needed to register a service member in the National Purple Heart Registry and other military registries. This box entitles them to designation of the award on their headstone.

The discharge papers allow me and others to complete the family service record of our Gold Star families. Many of our fallen had siblings, nieces, nephews, fathers, uncles, aunts, and grandfathers who served.

The most urgent need today- discharge papers are proof of honorable service. It allows historians, relatives, cemeteries, churches, etc, to request and obtain a VA headstone and place it on the unmarked graves of our service members.

Until I began work on The Legacy of Honor Project I had no idea how many men who served and/or died in WWII that are buried in unmarked graves. The vast majority never married/had children. Until I located their final resting place, they never had a flag placed on their grave on Memorial Day or Veterans Day. No flowers on their birthday, no wreath at Christmas. Their unmarked graves over time have become a path to other graves. No one realizing as they walked across the empty plot of grass, they were walking across the grave of one of our heroes.

Many of the men in unmarked graves were only children, so under the current law, there is no one who can access their discharge papers, prove their service so a headstone can be placed on their grave. Placing a headstone on an unmarked grave is the very least we can do for the men and women who fought for our freedom. It is the final benefit promised to them from a grateful nation and state for their service.

I urge the committee to give a favorable report on SB 159 so we can honor the men and women who fought and died for our freedom.

I would like to thank Senator Gile for sponsoring this bill. Thank you for the opportunity to comment, and I am available if you have any questions.

Denise Robinson

Denise@thelegacyofhonor.com 443-510-9330

ARMY OF THE UNITED STATES

is hereby Honorably Discharged from the military service of the United States of America.

This certificate is awarded as a testimonial of Honest and Faithful Service to this country.

Given at Separation Center Ft Sheridan, Illinois Date 25 October 1945

A Bettwy

Maj Inf

ENLISTED RECORD AND REPORT OF SEPARATION
HONORABLE DISCHARGE

1. Last Name — First Name — Middle Initial <u>Robinson Jacob H</u>			2. Army Serial No. <u>37 196 101</u>	3. Grade <u>S Sgt</u>	4. Arm or Service <u>Inf</u>	5. Component <u>AUS</u>
6. Organization <u>Co E 338 Inf</u>			7. Date of Separation <u>25 Oct 45</u>	8. Place of Separation <u>Separation Center Fort Sheridan Illinois</u>		
9. Permanent Address for Mailing Purposes <u>906 E Williams St Ottumwa Iowa</u>			10. Date of Birth <u>7 Sep 05</u>	11. Place of Birth <u>Monroe Co Iowa</u>		
12. Address from which Employment will be sought <u>See 9</u>			13. Color Eyes <u>Blue</u>	14. Color Hair <u>Brown</u>	15. Height <u>5 7</u>	16. Weight <u>147 lbs.</u>
18. Race White <input checked="" type="checkbox"/> Negro <input type="checkbox"/> Other (Specify) <input type="checkbox"/>		19. Marital Status Single <input type="checkbox"/> Married <input checked="" type="checkbox"/> Other (Specify) <input type="checkbox"/>		20. U.S. Citizen Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		21. Civilian Occupation and No. <u>Refrigeration Mechanic</u>

MILITARY HISTORY

22. Date of Induction <u>22 May 42</u>	23. Date of Enlistment	24. Date of Entry Into Active Service <u>22 May 42</u>	25. Place of Entry Into Service <u>Ft Des Moines Ia</u>
SELECTIVE SERVICE DATA Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	26. Registered <input checked="" type="checkbox"/>	27. Local S. S. Board No. <u>1</u>	28. County and State <u>Mills Ia</u>
30. Military Occupational Specialty and No. <u>Motor NCO 607</u>		31. Military Qualification and Date (i. e., infantry, aviation and marksmanship badges, etc.) <u>Combat Infantryman Badge</u>	

29. Home Address at Time of Entry Into Service
See 9

32. Battles and Campaigns
Tunisian Naples Foggia Rome Arno No Appennines Po Valley

33. Decorations and Citations
American Theater Ribbon European African Middle Eastern Theater Ribbon w/1 Silver Battle Star 3 overseas Service Bars 1 Service Stripe Good Conduct Medal Purple Heart Medal GO 16 Hq 338 Inf 44 Bronze Star Medal

35. LATEST IMMUNIZATION DATES				36. SERVICE OUTSIDE CONTINENTAL U. S. AND RETURN		
Smallpox <u>Im</u>	Typhoid <u>St</u>	Tetanus <u>St</u>	Other (Specify) <u>--</u>	Date of Departure <u>29 Dec 43</u>	Destination <u>ETO</u>	Date of Arrival <u>7 Jan 44</u>
37. TOTAL LENGTH OF SERVICE				38. Highest Grade Held <u>S Sgt</u>		
CONTINENTAL SERVICE		FOREIGN SERVICE		39. Service Outside Continental U. S. and Return		
Years <u>1</u>	Months <u>7</u>	Days <u>19</u>	Years <u>1</u>	Months <u>9</u>	Days <u>15</u>	Date of Departure <u>27 Sep 45</u>

39. Prior Service
None

40. Reason and Authority for Separation
Conv of Govt RR 1-1 Demobilization AR 615-365 15 Dec 44

41. Service Schools Attended <u>None</u>	42. EDUCATION (YEARS)		
	Grammar <u>8</u>	High School <u>1</u>	College <u>0</u>

PAY DATA

43. Longevity for Pay Purposes Years <u>3</u> Months <u>5</u> Days <u>16</u>	44. Mustering Out Pay Total <u>\$300</u> This Payment <u>\$100</u>	45. Soldier Deposits <u>None</u>	46. Travel Pay <u>\$24.90</u>	47. Total Amount <u>210.37</u>	Name of Disbursing Officer. <u>Leland E Rice Capt</u>
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INSURANCE NOTICE

IMPORTANT If Premium is not paid when due or within thirty-one days thereafter, insurance will lapse. Make checks or money orders payable to the Treasurer of the U. S. and forward to Collections Subdivision, Veterans Administration, Washington 25, D. C.

48. Kind of Insurance Natl. Serv. <input checked="" type="checkbox"/> U. S. Govt. <input type="checkbox"/> None <input type="checkbox"/>	49. How Paid Allotment <input checked="" type="checkbox"/> Direct to <input type="checkbox"/>	50. Effective Date of Allotment Discontinuance <u>31 Oct 45</u>	51. Date of Next Prem. Due (One month after 50) <u>30 Nov 45</u>	52. Premium Due Each Month <u>\$7.90</u>	53. Intention of Veteran to Continue <input checked="" type="checkbox"/> Continue Only <input type="checkbox"/> Discontinue <input type="checkbox"/>
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Amendment_Gile_SB159.pdf

Uploaded by: Senator Gile

Position: FAV



SB0159/483720/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

26 JAN 24
09:05:00

BY: Senator Gile
(To be offered in the Judicial Proceedings Committee)

AMENDMENT TO SENATE BILL 159
(First Reading File Bill)

On page 2, in line 4, strike the brackets; in the same line, strike “**SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A**”; in line 13, strike “For good cause shown,” and substitute “1.”; in line 14, strike “if” and substitute “**IF**”; in line 15, after “recording” insert “; **AND**”

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

strike in their entirety lines 16 through 19, inclusive; in line 20, strike the brackets; in the same line, strike “**(3)**”; and in line 28, strike “For good cause shown, to” and substitute “**TO**”.

DG Written Testimony_SB0159.pdf

Uploaded by: Senator Gile

Position: FAV

DAWN D. GILE
Legislative District 33
Anne Arundel County

Finance Committee

Chair

Anne Arundel County
Senate Delegation



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410-841-3568 · 301-858-3568
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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony in Support of SB0159 - Courts - Military Records - Recordation and Inspection

Mr. Chair, Mr. Vice Chair, and Members of the Senate Judicial Proceedings Committee:

SB0159 would authorize 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 Armed Forces of the United States. The bill also broadens one exception to the mandatory denial of inspection of a discharge record by removing the restriction that it applies only to a relative of the person, as specified. This is consistent with the accessibility of military records at the [National Archive](#). Finally, regarding authorized inspections of records, the bill requires a clerk of the circuit court to redact the Social Security number of an individual from any portion of the book or electronic record (and any record or index).

Background

Historically, County Clerks of the Court have been places of safekeeping for various records, including military discharge papers. This bill was requested by military historians who struggle under existing law to obtain the discharge papers of deceased service-members because it requires them to seek approval of living relatives. Because of a disastrous [1973 fire at the National Personnel Records Center \(NPRC\) in St. Louis, MO](#) that destroyed approximately 16-18 million Official Military Personnel Files (OMPF), there are missing links of information that can make it difficult to properly honor our fallen heroes.

Existing 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.

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 removes the requirement for the individual to be a relative of the person who is the subject of the papers.)

A clerk may provide a certified copy of the discharge papers in accordance with the above exceptions. (The bill does not alter the requirement that in order to receive a certified copy on a showing of good cause (for 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.)

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.

Solution

SB0159 would:

- make discharge papers submitted to clerks at least 70 years ago public record; and
- redact Social Security numbers on these newly release discharge papers to ensure privacy.

I have submitted to the committee a friendly amendment that was drafted in coordination with the county clerks which clarifies that only newly released record must have Social Security numbers redacted.

Per the Fiscal Note, SB0159 can be implemented with no additional state resources.

For these reasons, I respectfully request a favorable report with my proposed amendment on SB0159.

FinalReprint.pdf

Uploaded by: Senator Gile

Position: FAV

UNOFFICIAL COPY OF SENATE BILL 159

SENATE BILL 159

D1

(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

A BILL ENTITLED

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.

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

20 (1) At any time has served in the armed forces of the United States; and

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

2

UNOFFICIAL COPY OF SENATE BILL 159

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

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

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

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

11 (ii) To a person in interest;

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

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

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

16 ~~(2) A CLERK SHALL REDACT THE SOCIAL SECURITY NUMBER OF AN
17 INDIVIDUAL FROM ANY PORTION OF THE BOOK OR ELECTRONIC RECORD, AND ANY
18 RECORD OR INDEX IN THE BOOK OR ELECTRONIC RECORD IN WHICH THE SOCIAL
19 SECURITY NUMBER APPEARS.~~

20 ~~[(2)] (2)~~ A clerk may provide a certified copy of a record described in this
21 section only:

22 (i) To a party in a civil, administrative, or criminal proceeding in a
23 federal or state court or government agency, or the party's attorney, who presents evidence
24 satisfactory to the clerk that the certified copy is for the purpose of admission in evidence
25 in the proceeding;

26 (ii) To a person in interest;

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

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

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

Testimony SB0159.pdf

Uploaded by: Scott Poyer

Position: FWA

SB0159 Courts - Military Records - Recordation and Inspection
Judicial Proceedings Committee – January 30, 2024
Sponsor: Senator Dawn Gile
Position: Favorable

Testimony of Scott Poyer, Clerk of the Circuit Court, Anne Arundel County

Thank you, Chairman Smith, Vice Chairman Waldstreicher, and members of the committee, for this opportunity to testify in support of Senate Bill 159. For the record, my name is Scott Poyer, Clerk of the Circuit Court for Anne Arundel County. I also represent the 24 elected Clerks of the Circuit Court in Maryland, who are the keeper of the records for the military discharge papers this bill is related to.

The Clerks of the Circuit Court have reviewed the bill and requested that the sponsors consider two amendments:

The first recommended amendment is to remove the phrase “for good cause shown” from lines 13 and 28 on page 2 of the bill, because the clerks believe this phrase is difficult, if not impossible, to define.

The second amendment is to clarify that social security numbers do not need to be redacted until the documents are eligible for release, which is 70 years after they are presented for recording. Because the military did not start adopting social security numbers until the year 1969, and the statutes require that military discharge records be held for 70 years, that means that the first records that have social security numbers will not be eligible for release until the year 2039.

With these proposed amendments I encourage a favorable report on HB 125, and I would like to thank Senator Gile for sponsoring this bill. Thank you for the opportunity to comment, and I am available if you have any questions.