

DAWN D. GILE  
Legislative District 33  
Anne Arundel County

Finance Committee

Chair

Anne Arundel County  
Senate Delegation



Miller Senate Office Building  
11 Bladen Street, Suite 3 East  
Annapolis, Maryland 21401  
410-841-3568 · 301-858-3568  
800-492-7122 Ext. 3568  
Dawn.Gile@senate.state.md.us

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.