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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

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.

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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.