

HOUSE BILL No. 1242

DIGEST OF INTRODUCED BILL

Citations Affected: IC 10-17-2-4.

Synopsis: Access to military records. Provides that any person may request the discharge records of a veteran if the veteran has been discharged for at least 62 years.

Effective: July 1, 2021.

Ellington, Zent, Abbott

January 14, 2021, read first time and referred to Committee on Veterans Affairs and Public Safety.



First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

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A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 10-17-2-4, AS AMENDED BY P.L.42-2020,
2 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 4. (a) As used in this section, "photographic
4 identification" means an identification document that:
5 (1) shows the name of the individual to whom the document was
6 issued;
7 (2) shows a photograph of the individual to whom the document
8 was issued;
9 (3) includes an expiration date indicating that the document has
10 not expired; and
11 (4) was issued by the United States or a state or territory of the
12 United States.
13 (b) A discharge record is not a public record under IC 5-14-3. A
14 county recorder shall provide a certified copy of a discharge record at
15 the request of the following persons:
16 (1) The veteran who is the subject of the discharge record if the
17 veteran provides photographic identification.



- 1 (2) A person who provides photographic identification that
 2 identifies the person as a state, county, or city service officer.
- 3 (3) A person who provides photographic identification that
 4 identifies the person as an employee of the Indiana department of
 5 veterans' affairs.
- 6 (4) A person who:
 7 (A) is a funeral director licensed under IC 25-15; and
 8 (B) assists with the burial of the veteran who is the subject of
 9 the discharge record;
 10 if the person provides photographic identification and the person's
 11 funeral director license.
- 12 (5) If the veteran who is the subject of the discharge record is
 13 deceased, the spouse or next of kin of the deceased, if the spouse
 14 or next of kin provides photographic identification and a copy of
 15 the veteran's death certificate.
- 16 (6) The following persons, if the person provides photographic
 17 identification:
 18 (A) The attorney in fact of the person who is the subject of the
 19 discharge record, if the attorney in fact provides a copy of the
 20 power of attorney.
 21 (B) The guardian of the person who is the subject of the
 22 discharge record, if the guardian of the person provides a copy
 23 of the court order appointing the guardian of the person.
 24 (C) The personal representative of the estate of the deceased,
 25 if the person who is the subject of the discharge record is
 26 deceased and the personal representative of the estate provides
 27 a copy of the court order appointing the personal
 28 representative of the estate.
- 29 **(7) If the veteran who is the subject of the discharge record**
 30 **was discharged at least sixty-two (62) years prior to the date**
 31 **of the request, the county recorder shall provide a certified**
 32 **copy to any requesting person.**
- 33 (c) To the extent technologically feasible, a county recorder shall
 34 take precautions to prevent the disclosure of a discharge record filed
 35 with the county recorder before May 15, 2007. After May 14, 2007, a
 36 county recorder shall ensure that a discharge record filed with the
 37 county recorder is maintained in a separate, confidential, and secure
 38 file.
- 39 (d) Disclosure of a discharge record by the county recorder under
 40 this section is subject to IC 5-14-3-10.
- 41 (e) A person who:
 42 (1) is described in subsection (b)(1) through (b)(6); and



- 1 (2) uses or discloses:
- 2 (A) a discharge record; or
- 3 (B) the information contained in a discharge record;
- 4 for a purpose that is outside the scope of the person's authorized or
- 5 official capacity commits a Class A infraction.
- 6 (f) The department shall develop a process concerning the release
- 7 of discharge records by county recorders to eligible persons. The
- 8 process described under this subsection shall be implemented not later
- 9 than December 30, 2020.
- 10 (g) The department may adopt rules under IC 4-22-2, including
- 11 emergency rules under IC 4-22-2-37.1, to implement subsection (f).

