

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 818
Committee Substitute Favorable 4/23/03
Senate State Government, Local Government, and Veterans' Affairs Committee
Substitute Adopted 5/29/03
Senate State Government, Local Government, and Veterans' Affairs Committee
Substitute #2 Adopted 6/4/03

Short Title: Safekeeping Military Discharge Documents.

(Public)

Sponsors:

Referred to:

April 1, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR THE SAFEKEEPING OF MILITARY DISCHARGE
3 DOCUMENTS AND TO PREVENT DISCLOSURE TO UNAUTHORIZED
4 PARTIES.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 47-113.1 is repealed.

7 SECTION 2. Chapter 47 of the General Statutes is amended by adding a
8 new section to read:

9 "**§ 47-113.2. Restricting access to military discharge documents.**

10 (a) All military discharge documents filed on or after January 1, 2004, shall be
11 considered a public record, but for confidential safekeeping and restricted access to such
12 documents, these documents will be filed with the registers of deeds in this State. These
13 documents are exempt from public inspection and access except as allowed in
14 subsection (b) of this section.

15 (b) Definitions:

16 (1) Authorized party. – Four categories of authorized parties are
17 recognized with respect to access to military discharge documents
18 under subsection (d) of this section:

19 a. The subject of the document.

20 b. Agents and representatives of the subject authorized in writing:

21 1. By the subject or subject's widow or widower in a
22 notarized authorization,

23 2. By a court to represent subject, or

24 3. By the subject's executor acting on behalf of a deceased
25 subject.

- 1 c. Authorized agents of the Division of Veterans Affairs, the
2 United States Department of Veterans Affairs, the Department
3 of Defense, or a court official with an interest in assisting the
4 subject or the deceased subject's beneficiaries to obtain a
5 benefit.
- 6 d. Agents or representatives of the North Carolina State Archives.
7 (2) Filing office. – The office where military discharge documents are
8 recorded, registered, or filed in this State is the register of deeds.
9 (3) Military discharge document. – Any document that purports to
10 represent a notice of separation from or service in any armed forces of
11 the United States or of any state, including, but not limited to,
12 Department of Defense Form 214 or 215, WD AGO 53, WD AGO 55,
13 WD AGO 53-55, NAVMC 78-PD, and NAVPERS 553, or any other
14 letter relating to the separation from the armed forces.
- 15 (c) A military discharge document shall be accepted for filing upon presentation
16 in person.
- 17 (c1) The filing officer may refuse to accept any document that is:
18 (1) Not submitted in person by an authorized party in accordance with
19 subsection (b) of this section.
20 (2) Not an original, a carbon copy, or a photographic copy issued or
21 certified by an agency of federal or State government.
- 22 (d) No copy of a military discharge document or any other information from such
23 document filed after the effective date of this act shall be made available other than in
24 accordance with subsection (b) or (h) of this section.
- 25 (d1) Certified copies of a military discharge document will be made available only
26 in accordance with subsection (e) of this section and only by individual request.
- 27 (d2) Uncertified copies of a military discharge document will be made available to
28 an authorized party in accordance with subsection (b) of this section and only by
29 individual request.
- 30 (e) The North Carolina Association of Registers of Deeds and the Division of
31 Veterans Affairs shall adopt before January 1, 2004, such request forms and associated
32 rules as are required to implement the provisions of this section. All filing offices shall
33 use the forms and comply with the rules, as adopted.
- 34 (e1) Completed request forms shall be maintained in the register of deeds for a
35 period of one year.
- 36 (e2) The request forms shall not be considered public records and are subject to
37 the same restricted access as the military discharge document.
- 38 (f) In the event images of and the index to military discharge documents filed
39 prior to January 1, 2004, have not been commingled with other publicly available
40 document images and their index in a filing office, the images and the index will be
41 maintained and are subject to all the provisions of this section that apply to newly filed
42 documents.
- 43 (g) The register of deeds shall, to the greatest extent possible, take appropriate
44 protective actions in accordance with any limitations determined necessary by the

1 register of deeds with regard to records that were filed before the effective date of this
2 act.

3 (h) Subsection (d) of this section shall not apply to images of military discharge
4 documents that have been on file for over 50 years.

5 (i) There shall be no fee charged for filing military discharge documents or for
6 providing certified copies of military discharge documents provided to those who have a
7 right to access under subsection (d) of this section. Uncertified copy of a military
8 discharge document that becomes public record under subsection (h) of this section is
9 subject to fee as determined in G.S. 161-10(a)(11).

10 (j) Filing offices shall be responsible for the cost of compliance with this section.

11 (k) Recording officials shall not be liable for any damages that may result from
12 good faith compliance with the provisions of this section.

13 (l) The words 'register of deeds' appearing in this section shall be interpreted to
14 mean 'register of deeds, assistant register of deeds, or deputy register of deeds'.

15 **SECTION 3.** This act becomes effective January 1, 2004, except that actions
16 may be taken under the first sentence of G.S. 47-113.2(e) when this act becomes law.