



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-2047/1
SWB:kjf

2015 ASSEMBLY BILL 297

August 6, 2015 – Introduced by Representatives BALLWEG, BERCEAU, BOWEN, E. BROOKS, BROSTOFF, DOYLE, GENRICH, HEATON, JACQUE, OHNSTAD, A. OTT, QUINN, SINICKI and THIESFELDT, cosponsored by Senators HANSEN, BEWLEY, RINGHAND, STROEBEL and VINEHOUT. Referred to Committee on State Affairs and Government Operations.

1 **AN ACT to repeal** 69.21 (2) (d) 2. and 69.24 (1) (am); **to consolidate, renumber**
2 **and amend** 69.21 (2) (a) and (c); **to amend** 69.21 (2) (d) 1. and 69.24 (1) (a); and
3 **to create** 69.30 (3) of the statutes; **relating to:** copying, making available, and
4 required notices on, certain vital records.

Analysis by the Legislative Reference Bureau

Current law contains certain provisions addressing the preparation and issuance of vital records and the authorized copying of vital records. Vital records include certificates of birth, death, divorce, or annulment, and termination of domestic partnership, marriage documents, and declarations of domestic partnership. Some of these provisions make a distinction based upon whether the event that is the subject of a record occurred before October 1, 1907. Current law provides for the issuance of certified and uncertified copies of vital records by the state registrar appointed by the Department of Health Services (state registrar) or a local registrar, subject to various restrictions, and for the issuance of uncertified copies of vital records for events occurring before October 1, 1907, by other persons, such as the State Historical Society. Certified copies of vital records include a certification including the seal of the issuing officer, are deemed the same as the original vital record, and, with certain exceptions, are regarded as being presumptive evidence of any fact stated in the vital record. Uncertified copies do not have the same status or certification as certified records and have a notice on their face that they are uncertified.

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Current law provides that any person who makes available to the public in electronic format an uncertified photocopy of a vital record for an event occurring before October 1, 1907, other than a vital record held by the state registrar or a local registrar, is guilty of a Class I felony. Current law does not specifically prohibit making any other vital records available to the public in electronic format, but it does provide that, subject to certain exceptions, any person who prepares or issues any paper or film which purports to be, or carries the appearance of, an original or a copy of a vital record, whether certified or uncertified, also is guilty of a Class I felony.

This bill repeals the prohibition against making certain records for events occurring before October 1, 1907, available in electronic format and specifically provides that any person may copy or make available electronically an uncertified copy of a vital record for an event occurring before October 1, 1907. In addition, the bill repeals the requirement that uncertified copies of vital records for events occurring before October 1, 1907, contain a notice that they are uncertified.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 69.21 (2) (a) and (c) of the statutes are consolidated, renumbered
2 69.21 (2) (a) and amended to read:

3 69.21 **(2)** (a) The state registrar or local registrar shall issue an uncertified copy
4 of the vital record of one or more registrants if the subject of the vital record is an
5 event occurring after September 30, 1907. The requirements of ss. 69.15 (6) (b) and
6 69.20 (3) (b) for disclosing information under s. 69.20 (2) shall apply to issuance
7 under this paragraph of any copy of a vital record containing such information. ~~(e)~~
8 Any uncertified copy issued under ~~par. (a) or (b)~~ this paragraph shall have on its face
9 a notice that it is uncertified.

10 **SECTION 2.** 69.21 (2) (d) 1. of the statutes is amended to read:

11 69.21 **(2)** (d) 1. An uncertified photocopy of a vital record for an event occurring
12 before October 1, 1907, other than a vital record held by the state registrar and any
13 local registrar, is subject to this paragraph ~~and may not be made available to the~~

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1 ~~public in electronic format,~~ but is not otherwise subject to the limitations of this
2 section or the requirements of s. 69.22.

3 **SECTION 3.** 69.21 (2) (d) 2. of the statutes is repealed.

4 **SECTION 4.** 69.24 (1) (a) of the statutes is amended to read:

5 69.24 (1) (a) Other than as authorized under s. ss. 69.21 (2) (d) and 69.30 (3),
6 prepares or issues any paper or film which purports to be, or carries the appearance
7 of, an original or a copy of a vital record, certified or uncertified, except as provided
8 under this subchapter or s. 610.50 and except for any hospital which issues any
9 written announcement of the birth of a person to the parents of the person if the
10 announcement contains plain notice that the announcement is not for official use.

11 **SECTION 5.** 69.24 (1) (am) of the statutes is repealed.

12 **SECTION 6.** 69.30 (3) of the statutes is created to read:

13 69.30 (3) Any person may copy or may make available electronically an
14 uncertified copy of a vital record for an event occurring before October 1, 1907, that
15 is issued under s. 69.21 (2) (b) or (d).

16 (END)