

State of Misconsin 2001 - 2002 LEGISLATURE

LRB-4911/3 RPN:hmh:kjf

2001 ASSEMBLY BILL 848

February 25, 2002 – Introduced by Representatives MUSSER and RYBA. Referred to Committee on Veterans and Military Affairs.

1 AN ACT to amend 45.21; and to create 45.36 (7) of the statutes; relating to:

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release of information regarding a veteran and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, the department of veterans affairs (DVA) receives records and documents related to the status of veterans, including personal identification information and information evidencing the veteran's service in the U.S. armed forces. DVA creates files based on these records and documents and uses the information in those records and documents to determine if the veteran and his or her dependents are eligible for benefits from DVA or from the U.S. department of veterans affairs. Current law requires DVA to establish rules regarding the disclosure of those records and generally prohibits their disclosure except for official purposes.

Under current law, a veteran may record his or her certificate of discharge or release from service at the register of deeds office. That certificate is available only to the veteran, the veteran's dependents, the county veterans service officer, DVA, and persons with written authorization from the veteran or the veteran's dependents.

This bill creates a forfeiture of not to exceed \$1,000 for releasing to any unauthorized person any record or document in the possession of DVA or the register of deeds containing confidential information regarding a veteran.

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

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SECTION 1. 45.21 of the statutes is amended to read:

 $\mathbf{2}$ 45.21 Registration of certificate of discharge. Every person who has 3 served in the U.S. armed forces at any time, and who has been honorably discharged 4 or given a certificate of service or relieved from active service may record with the $\mathbf{5}$ register of deeds of any county, in a suitable book provided by the county for that 6 purpose, a certificate of discharge or release. The certificate shall be accessible only 7 to the person or dependents, the county veterans' service officer, the department of 8 veterans affairs, or any person with written authorization from the person 9 discharged or dependents. The register of deeds may not charge for recording, except that in counties where the register of deeds is under the fee system and not paid a 10 11 fixed salary the county shall pay the fee specified in s. 59.43 (2) (ag). The record of 12any such certificate heretofore made is hereby legalized. Any person who releases 13a certificate of discharge or release recorded with the register of deeds or any confidential information regarding a veteran included in that certificate in violation 14of this section is subject to a forfeiture of not to exceed \$1,000 for each violation. 1516 **SECTION 2.** 45.36 (7) of the statutes is created to read: 1745.36 (7) PENALTY. (a) Any person who releases a record or document 18 containing confidential information regarding a veteran, including a separation 19 document, in violation of this section is subject to a forfeiture of not to exceed \$1,000 20for each violation.

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(END)