

2001 DRAFTING REQUEST

Bill

Received: **02/09/2002**

Received By: **nelsorp1**

Wanted: **As time permits**

Identical to LRB:

For: **Terry Musser (608) 266-7461**

By/Representing: **Kathy**

This file may be shown to any legislator: **NO**

Drafter: **nelsorp1**

May Contact:

Addl. Drafters:

Subject: **Veterans - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Musser@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Release of veteran's discharge documents

Instructions:

See Attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|------------------------|----------------------|------------------------|----------------|----------------------------|----------------------------|-----------------|
| /1 | nelsorp1 02/18/2002 | hhagen 02/18/2002 | kfollet 02/19/2002 | _____ | lrb_docadmin 02/19/2002 | | |
| /2 | nelsorp1 02/19/2002 | hhagen 02/19/2002 | pgreensl 02/20/2002 | _____ | lrb_docadmin 02/20/2002 | lrb_docadmin 02/20/2002 | |
| /3 | nelsorp1 | hhagen | kfollet | _____ | lrb_docadmin | lrb_docadmin | |

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| | 02/21/2002 | 02/21/2002 | 02/21/2002 | _____ | 02/21/2002 | 02/21/2002 | |

FE Sent For:

*none
needed*

<END>

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13 hmk
2/21/02

KJ
2/21

Self
2/21

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|--------------|------------------------|--|---|--------------------|----------------------------|-----------------|-----------------|
| /1 | nelsorp1 02/18/2002 | hhagen 02/18/2002 <i>lzhmr 2/19/02</i> | kfollet 02/19/2002 <i>2/20 pg</i> | <i>2/20 pg</i> | lrb_docadmin 02/19/2002 | | |

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KJK
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|--------------|----------------|-------------------|--------------|----------------|------------------|-----------------|-----------------|
| 1? | nelsorp1 | 11 hmk 2/13/02 | KJ 2/19 | Self 2/19 | | | |

FE Sent For:

<END>

Nelson, Robert P.

From: Rep.Musser
Sent: Friday, February 08, 2002 8:47 AM
To: Nelson, Robert P.
Subject: Draft Request

Good Morning, Bob!

More on the draft we talked about late yesterday...

Please prepare a draft to include a forfeiture of \$1000 (one thousand) per offense for anyone who illegally releases a DD-214 (separation paper), and/or anyone who receives it and uses it to steal the veteran's identity.

I believe the statutes make this release (in most cases) illegal in 45.36.

Thanks,

Kathie @ Rep Musser's Office
266-7461

↑
943020
do not need



2/19/13
State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-4911/1
RPN:hah

D-N

2001 BILL

Generate

1 AN ACT ...; relating to: release of information regarding a veteran and providing
2 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. The department of veterans affairs 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.

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

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

3 SECTION 1. 45.36 (7) of the statutes is created to read:
4 45.36 (7) PENALTY. ^{ΔΔ}(a) Any person who releases a record or document containing
5 confidential information regarding a veteran, including a separation document, in

BILL

SECTION 1

1 violation of this section is subject to a forfeiture of not to exceed \$1,000 for each
2 violation.

3 (END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4911/1dn
RPN:.....

I did not include a penalty for using the information to steal the veteran's identity because that already is subject to a criminal penalty under s. 943.20 of a fine of up to \$10,000 or 10 years in prison or both.

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4911/1dn
RPN:lmh:kjf

February 19, 2002

I did not include a penalty for using the information to steal the veteran's identity because that already is subject to a criminal penalty under s. 943.20 of a fine of up to \$10,000 or 10 years in prison or both.

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.state.wi.us



Styf

2

2001 BILL

Regenerate

1 AN ACT *to create* 45.36 (7) of the statutes; **relating to:** release of information
2 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} The department of veterans affairs 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.

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 containing confidential information regarding a veteran. for this register or deeds

insert on L

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

3 SECTION 1. 45.36 (7) of the statutes is created to read:
4 45.36 (7) PENALTY. (a) Any person who releases a record or document
5 containing confidential information regarding a veteran, including a separation

BILL

1 document, in violation of this section is subject to a forfeiture of not to exceed \$1,000
2 for each violation.

3

(END)

insert 2-2

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4911/2ins
RPN:hmh:kjf

R insert anl:
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, ~~the~~ ^{the} department of veterans affairs, and persons with written authorization from the veteran or the veteran's dependents.

1 insert 2-2:

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

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

History: 1973 c. 12; 1987 a. 403 e. 255; 1989 a. 56; 1995 a. 201.

17

18

Emery, Lynn

From: Kolka, Kathie
Sent: Wednesday, February 20, 2002 3:56 PM
To: LRB.Legal
Subject: Draft review: LRB-4911/2 Topic: Release of veteran's discharge documents

It has been requested by <Kolka, Kathie> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB-4911/2 Topic: Release of veteran's discharge documents



State of Wisconsin
2001 - 2002 LEGISLATURE

2/21 pm

LRB-4911/2
RPN:hmh:pg
Stays

2001 BILL

1 *Regenerate*
AN ACT *to amend* 45.21; and *to create* 45.36 (7) of the statutes; relating to:
2 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:

