

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2013

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SENATE BILL 50

Short Title: Discharged Veterans/Identity Theft Protection. (Public)

Sponsors: Senators Bingham (Primary Sponsor); Apodaca, Brock, Clark, Cook, Curtis, D. Davis, Hise, Pate, Robinson, and Sanderson.

Referred to: Judiciary II.

February 6, 2013

A BILL TO BE ENTITLED

AN ACT TO PREVENT IDENTITY THEFT OF DISCHARGED VETERANS BY RESTRICTING THE RELEASE OF MILITARY SERVICE DISCHARGE DOCUMENTS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 47-113.2 reads as rewritten:

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

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

(b) Definitions:

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

- a. The subject of the document or the subject's widow or widower.
- b. Agents and representatives of the subject authorized in writing:
  1. By the subject or subject's widow or widower in a notarized authorization,
  2. By a court to represent subject, or
  3. By the subject's executor acting on behalf of a deceased subject.
- c. Authorized agents of the Division of Veterans Affairs, the United States Department of Veterans Affairs, the Department of Defense, or a court official with an interest in assisting the subject or the deceased subject's beneficiaries to obtain a benefit.
- d. Agents or representatives of the North Carolina State Archives.

(2) Filing office. – The office where military discharge documents are recorded, registered, or filed in this State is the register of deeds.

(3) Military discharge document. – Any document that purports to represent a notice of separation from or service in the Armed Forces of the United States or armed forces of any state, including, but not limited to, Department of Defense Form 214 or 215, WD AGO 53, WD AGO 55, WD AGO 53-55, NAVMC 78-PD, and NAVPERS 553.



1 (c) A military discharge document shall be accepted for filing upon presentation in  
2 person.

3 (d) The filing officer may refuse to accept any document that is:

4 (1) Not submitted in person by an authorized party in accordance with  
5 subsection (b) of this section.

6 (2) Not an original, a carbon copy, or a photographic copy issued or certified by  
7 an agency of federal or State government.

8 (e) No copy of a military discharge document or any other information from such  
9 document filed after the effective date of this section shall be made available other than in  
10 accordance with subsection (b) or (h) of this section.

11 ...

12 (m) ~~Subsection (d)~~Subsection (e) of this section shall not apply to images of military  
13 discharge documents that have been on file for over ~~50 years~~80 years.

14 ...."

15 **SECTION 2.** This act is effective when it becomes law and applies to the release  
16 of discharge documents after that date and to the release of any other information from those  
17 documents after that date.