

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

A Bill

HOUSE BILL 1345

5 By: Representatives Wood, Stovall, Mahony, Boyd, Thomas, Ormond, Elliott, Roebuck, Verkamp,
6 Chesterfield, Anderson, L. Evans, Rosenbaum, Bond, Schulte, S. Prater, Pickett, Norton, Thomason,
7 Sumpter, Sullivan, J. Johnson, Martin, Walters, Dobbins, Pate, Kenney, Lamoureux, Edwards, Agee,
8 Bennett, Bright, Clemons, Dees, Ferguson, Hardwick, Harris, Hutchinson, Jeffrey, Lendall, Mack,
9 Nichols, Oglesby, Parks, L. Prater, Pritchard, R. Smith, Dickinson, Petrus, Jackson, Moore, Seawel,
10 Scroggin, C. Johnson, Hathorn, Biggs, Gillespie, Mathis, Dangeau, Creekmore, King, D. Evans, Thyer,
11 Borhauer, Key, Fite, Jones, Green, Medley, Childers, Blair, Judy, House, P. Bookout, Cowling, Weaver,
12 Penix, Pace, J. Taylor, Hickinbotham, Ledbetter, Bolin, Napper, Bradford, Milligan, Jacobs, Eason, Goss,
13 Berry, Matayo, C. Taylor
14 By: Senators Laverty, T. Smith, Wooldridge, Baker, J. Bookout, Broadway, Bryles, Higginbothom, G.
15 Jeffress, Salmon, Wilkinson
16
17

For An Act To Be Entitled

19 AN ACT TO PROTECT VETERANS FROM IDENTITY THEFT BY
20 MAKING MILITARY SERVICE DISCHARGE RECORDS FILED
21 WITH THE COUNTY RECORDER CONFIDENTIAL; AND FOR
22 OTHER PURPOSES.
23

Subtitle

25 TO PROTECT VETERANS FROM IDENTITY THEFT
26 BY MAKING MILITARY SERVICE DISCHARGE
27 RECORDS FILED WITH THE COUNTY RECORDER
28 CONFIDENTIAL.
29

30 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
31

32 SECTION 1. Arkansas Code § 14-2-102, regarding records of military
33 discharges, is amended to add additional subsections to read as follows:

34 (c)(1) A military service discharge record or DD Form 214 for a
35 veteran discharged from service less than seventy (70) years from the current
36 date and filed with the county recorder shall be confidential and may be



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1 viewed or reproduced only by:

2 (A) The veteran;

3 (B) The veteran's spouse or child;

4 (C) A person with a signed and notarized authorization
 5 from the veteran;

6 (D) A county or state veterans' service officer that is
 7 assisting the veteran or the veteran's family with a veteran's benefit
 8 application; or

9 (E) A person authorized by the court to view or copy the
 10 military service discharge record or DD Form 214 upon presentation of a court
 11 order.

12 (2) The county recorder shall record the names and addresses of
 13 all persons viewing or copying a military service discharge record or Form DD
 14 214 under this subsection (c).

15 (3) No fee shall be charged for reproduction cost under this
 16 subsection (c).

17 (d)(1) A military service discharge record for a veteran discharged
 18 from service more than seventy (70) years from the current date and filed
 19 with the county recorder shall be public record.

20 (2) No fee shall be charged for reproduction cost under this
 21 subsection (d).

22 (e) The county recorder may maintain a record book that contains any
 23 of the following information about veterans for public record:

24 (A) Name;

25 (B) Rank;

26 (C) Unit of military service;

27 (D) Dates of military service;

28 (E) Medals conferred upon the veteran; and

29 (F) Awards conferred upon the veteran.

30
 31 SECTION 2. Arkansas Code § 25-19-105(b), regarding documents exempted
 32 from the Arkansas Freedom of Information Act, is amended to add an additional
 33 subdivision to read as follows:

34 (15) Military service discharge records or DD Form 214 for
 35 veterans discharged from service less than seventy (70) years from the
 36 current date and filed with the county recorder as provided under § 14-2-102.

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SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that for many years, veterans were advised to file their military service discharge records or DD Form 214 with the court recorder; that these forms contain sensitive information that can be used by identity thieves to obtain credit in the veteran's name or otherwise defraud the veteran or his or her family; in recent years, the incident of identity theft has increased; that incidents of identity thieves using the military service discharge records or DD Form 214 to obtain credit in the veteran's name or otherwise defraud the veteran or his or her family has occurred; that the effects on the veteran and the veteran's family are devastating; and that this act is immediately necessary to protect veterans and their families from identity theft by making military service discharge records or DD Form 214 filed with the county recorder confidential and not subject to the Arkansas Freedom of Information Act. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

- (1) The date of its approval by the Governor;
- (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or
- (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.