

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

*As Engrossed: H2/10/03 S2/17/03*

## 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, Creekmere, 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, *Altes*

### 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.

### Subtitle

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

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)(1) The county recorder may maintain a record book that contains  
23 any 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 (2) If the county recorder does not maintain a record book,  
31 then, upon specific request for the information, the county recorder shall  
32 review a military service discharge record or DD Form 214 and provide only  
33 the information in subdivision (e)(1) of this section to the requestor,  
34 without allowing the requestor to review the military service discharge  
35 record or DD Form 214.

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1  
2 SECTION 2. Arkansas Code § 25-19-105(b), regarding documents exempted  
3 from the Arkansas Freedom of Information Act, is amended to add an additional  
4 subdivision to read as follows:

5 (15) Military service discharge records or DD Form 214 for  
6 veterans discharged from service less than seventy (70) years from the  
7 current date and filed with the county recorder as provided under § 14-2-102.  
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9 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the  
10 General Assembly of the State of Arkansas that for many years, veterans were  
11 advised to file their military service discharge records or DD Form 214 with  
12 the court recorder; that these forms contain sensitive information that can  
13 be used by identity thieves to obtain credit in the veteran's name or  
14 otherwise defraud the veteran or his or her family; in recent years, the  
15 incident of identity theft has increased; that incidents of identity thieves  
16 using the military service discharge records or DD Form 214 to obtain credit  
17 in the veteran's name or otherwise defraud the veteran or his or her family  
18 has occurred; that the effects on the veteran and the veteran's family are  
19 devastating; and that this act is immediately necessary to protect veterans  
20 and their families from identity theft by making military service discharge  
21 records or DD Form 214 filed with the county recorder confidential and not  
22 subject to the Arkansas Freedom of Information Act. Therefore, an emergency  
23 is declared to exist and this act being immediately necessary for the  
24 preservation of the public peace, health, and safety shall become effective  
25 on:

26 (1) The date of its approval by the Governor;

27 (2) If the bill is neither approved nor vetoed by the Governor,  
28 the expiration of the period of time during which the Governor may veto the  
29 bill; or

30 (3) If the bill is vetoed by the Governor and the veto is  
31 overridden, the date the last house overrides the veto.  
32

33 /s/ Wood  
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