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AB-2561 Vital records: local registrar: copy of records. (2017-2018)

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Assembly Bill No. 2561

CHAPTER 147

An act to amend Sections 102365 and 103245 of, to repeal Section 102340 of, and to repeal and add Section 102335 of, the Health and Safety Code, relating to local records.

[Approved by Governor July 20, 2018. Filed with Secretary of State July 20, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2561, Flora. Vital records: local registrar: copy of records.

Existing law prescribes the duties of the State Registrar of Vital Statistics (State Registrar) and local registrars of births and deaths with respect to the registration of certificates of live birth, fetal death, or death, and marriage licenses. Existing law requires each local registrar of births and deaths to transmit to the county recorder, for a special county record, a copy of each original birth certificate and death certificate, and send the original certificates to the State Registrar. In lieu of that procedure, existing law instead authorizes the county recorder to make the copies of certificates for the special county record, requires the local registrar to transmit the original certificates to the county recorder for this purpose, and requires the county recorder to forward the original certificates to the State Registrar. Existing law exempts a local registrar from the application of these provisions if it serves a countywide health jurisdiction of over 550,000 population, as determined by the 1950 census.

This bill would revise and recast that provision and would instead require each local registrar of births and deaths to transmit a copy of each original birth certificate and death certificate to the county recorder for the special county record, and, at the same time, forward the original certificates to the State Registrar. The bill would delete the exemption for the local registrar described above. To the extent that the bill imposes new duties on local entities, the bill would create a state-mandated local program.

Existing law authorizes a local registrar of births and deaths, after one year from the date of registration and with the approval of, and under the supervision of, the State Registrar, to dispose of the local registrar's copies of the records if the original copies of the records are on file in the office of the State Registrar and copies of the records are on file in the office of the county recorder. Existing law authorizes the county recorder to accept the local registrar's copies as a special county record of events.

This bill would instead require the disposal of those records after 2 years from the date of registration. By adding to the duties of local entities, the bill would impose a state-mandated local program. The bill would authorize the county recorder to instead accept the State Registrar's copies as a special county record of events.

Existing law authorizes the amendment of a certificate of birth, death, fetal death, or marriage, as prescribed. Existing law requires the State Registrar, if an amendment is accepted by the State Registrar, to transmit copies of the amendment to the local registrar and county recorder in whose offices copies of the original record and information are on file.

This bill would eliminate the requirement that the State Registrar transmit copies of an amendment to the local registrar unless the amendment is made within 2 years of the registration of the original record.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 102335 of the Health and Safety Code is repealed.

SEC. 2. Section 102335 is added to the Health and Safety Code, to read:

102335. Each local registrar of births and deaths shall transmit a copy of each original birth certificate and death certificate to the county recorder for the special county record, and shall, at the same time, forward the original certificates to the State Registrar pursuant to Section 102345.

SEC. 3. Section 102340 of the Health and Safety Code is repealed.

SEC. 4. Section 102365 of the Health and Safety Code is amended to read:

102365. Notwithstanding any other law, a local registrar of births and deaths, after two years from the date of registration and with the approval of, and under the supervision of, the State Registrar, shall dispose of the local registrar's copies of the records, if both of the following exist:

- (a) The original copies of the records are on file in the office of the State Registrar.
- (b) Copies of the records are on file in the office of the county recorder. If the county recorder does not have copies of the records, he or she may accept the State Registrar's copies as a special county record of the events.

SEC. 5. Section 103245 of the Health and Safety Code is amended to read:

103245. If the amendment is accepted, the State Registrar shall transmit copies of the amendment to the county recorder in whose offices copies of the original record and information are on file. The State Registrar shall also transmit copies of the amendment to that county's local registrar only if the amendment is made within two years of the registration of the original record.

SEC. 6. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.