

PUBLIC CHAPTER NO. 797

HOUSE BILL NO. 2670

By Representative Fincher

Substituted for: Senate Bill No. 2667

By Senator Burks

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 13 and Section 10-7-513, relative to military discharge records.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 10-7-513, is amended by deleting the section in its entirety and by substituting instead the following language:

(a) This section applies to a military veteran's Department of Defense Form DD-214 or other military discharge record that is recorded with or that otherwise comes into the possession of a governmental body.

(b) The record is confidential for the seventy-five (75) years following the date it is recorded with or otherwise first comes into the possession of a governmental body. During such period, the governmental body may permit inspection or copying of the record or disclose information contained in the record only in accordance with this section or in accordance with a court order.

(c) On request and presentation of proper identification, the following persons may inspect the military discharge record or obtain from the governmental body a copy or certified copy of such record:

- (1) The veteran who is the subject of the record;
- (2) The legal guardian of the veteran;
- (3) The spouse or a child or parent of the veteran or, if there is no living spouse, child, or parent, the nearest living relative of the veteran;
- (4) The personal representative of the estate of the veteran;
- (5) The person named by the veteran, or by a person described by subdivision (2), (3), or (4), in an appropriate power of attorney;
- (6) Another governmental body; or
- (7) An authorized representative of the funeral home that assists with the burial of the veteran.

(d) A court that orders the release of information under this section shall limit the further disclosure of the information and the purposes for which the information may be used.

(e) A governmental body that obtains information from the record shall limit the governmental body's use and disclosure of the information to the purpose for which the information was obtained.

(f)

(1) Any person described in subdivisions (c)(1) through (c)(5) may request that a county register of deeds remove from the official records held in such register's office, excepting records preserved on microfilm, any of the following record forms: DD- 214, DD-215, WD AGO 55, WD AGO 53-55, NAVMC 78-PD, NAVPERS 553, or any other military discharge, or alternatively may request that the veteran's social security identification number be redacted from any such military discharge record if such records are stored in a manner that permits redaction.

(2) The request for removal of a military discharge record or redaction of a social security identification number from a military discharge record in the office of the county register of deeds pursuant to subdivision (f)(1) shall be made on a paper writing in a form substantially as follows:

REQUEST FOR REMOVAL OF MILITARY DISCHARGE
OR REDACTION OF SOCIAL SECURITY NUMBER
FROM A MILITARY DISCHARGE

(3) The completed request form as provided in subdivision (f)(2) is eligible for recording in the office of the county register of deeds where submitted. The register has no duty to inquire beyond the acknowledged request to verify the identity or authority of the person requesting the removal. Upon recording the written request, the county register shall act in accordance with the request to either remove the military discharge record identified in the request from the records of the office, except microfilm records, or redact the social security identification number from a military discharge record recorded in the office of the county register if practicable. If redaction is requested and is not practicable, the county register shall not record the request and shall, verbally or by writing, explain to the person making the request why redaction is not practicable and state that the person may instead request the removal of the military discharge record from the records of the county register.

SECTION 2. Tennessee Code Annotated, Title 8, Chapter 13, is amended by adding the following language as a new, appropriately designated section:

§ 8-13-____.

(a) The register of deeds shall record the official discharge of persons who after 1915 have served as members of the United States

armed forces, the United States armed forces reserve, or the United States armed forces auxiliary.

(b) The register of deeds shall, after September 1, 2010, record the official discharge of persons who have served as members of the United States armed forces, the United States armed forces reserves, or the United States armed forces auxiliary in a bound book separate from all other documents recorded in the register of deeds office in those counties that do not store documents electronically. No other public documents shall be recorded and stored in these designated books.

(c) The register of deeds shall keep books which originated prior to, as well as after, September 1, 2010, and which have been designated specifically for the storage of official military discharge documents in a location not accessible to the general public, so long as the books do not contain other public documents.

(d) The register of deeds, in counties that record and store documents electronically, shall not make available to the general public any display of military discharge records and shall only provide copies of such records in compliance with § 10-7-513.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 7, 2010



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 19th day of April 2010



PHIL BREDESEN, GOVERNOR