

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 HOUSE BILL 2216

 By: May

7 AS INTRODUCED

8 An Act relating to public health and safety;
9 establishing procedure for a judicial record of
10 death; limiting qualifications for procedure;
11 providing for filing of verified petition in district
12 court; listing minimum contents of verified petition;
13 directing court clerk to assign a probate number;
14 requiring notice of verified petition filing;
15 permitting court to enter certain order; allowing for
16 filing of order with the State Department of Health;
17 requiring Department to issue order in the same
18 manner as death certificate; declaring validity of
19 certain order to satisfy death certificate
20 requirements; providing for codification; and
21 providing an effective date.

22 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

23 SECTION 1. NEW LAW A new section of law to be codified
24 in the Oklahoma Statutes as Section 1-315.1 of Title 63, unless
 there is created a duplication in numbering, reads as follows:

 A. If a death certificate is required to settle a property or
 financial interest for a person who has allegedly died in the state

1 twenty-five (25) years ago or longer, and the following
2 determinations have been made:

3 1. The State Registrar of Vital Records has confirmed that a
4 death certificate is not on file with the State Department of
5 Health;

6 2. The State Registrar of Vital Records has determined that all
7 due diligence has been performed and the requirement of Section 1-
8 317 of Title 63 of the Oklahoma Statutes for filing a death
9 certificate cannot be met; and

10 3. The State Registrar of Vital Records has determined that all
11 due diligence has been performed and the requirements of Section 1-
12 314 of Title 63 of the Oklahoma Statutes for the filing of a delayed
13 death certificate cannot be met,
14 then a verified petition may be filed with the district court of the
15 county where the death allegedly occurred for an order establishing
16 a judicial record of death.

17 B. The verified petition shall, at a minimum, contain the
18 following:

- 19 1. The full legal name of the alleged decedent;
- 20 2. The date and place of birth of the decedent;
- 21 3. The age of the decedent;
- 22 4. The date and place of the death of the decedent;
- 23 5. The property or financial interest to be resolved;

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1 6. The determinations of the State Registrar of Vital Records
2 as required in paragraphs 2 and 3 of subsection A of this section;
3 and

4 7. Other facts as deemed pertinent by the court, including, but
5 not limited to, the names of the parents of the decedent or the name
6 of the spouse of the decedent.

7 C. Upon the filing of the verified petition, the court clerk of
8 the county where the petition is filed shall assign the petition a
9 number in the probate files of the county.

10 D. Notice of the verified petition shall be given to the State
11 Department of Health and published once in a newspaper of general
12 circulation in the county where the verified petition is filed.

13 E. Based on the verified petition; all the evidence in the
14 possession of the applicant, which may consist of personal
15 testimony, affidavits or records; and determinations of the State
16 Registrar of Vital Records as required in paragraphs 2 and 3 of
17 subsection A of this section, the court may enter an order
18 establishing:

- 19 1. The full legal name of the decedent;
- 20 2. The date and place of birth of the decedent;
- 21 3. The age of the decedent;
- 22 4. The date and place where the death occurred;
- 23 5. The property or financial interest to be resolved; and

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1 6. Other facts as deemed pertinent by the court and as set
2 forth in the verified petition.

3 The order shall be final and conclusive of all the adjudged
4 facts.

5 F. A certified copy of the order may be filed with the State
6 Department of Health. If filed with the Department, the Department
7 shall issue a certified copy of the order in the same manner as
8 death certificates are issued.

9 G. Provided the State Registrar of Vital Records has made the
10 determinations required in paragraphs 2 and 3 of subsection A of
11 this section, then a certified copy of the order issued by the
12 Department shall satisfy any and all requirements set forth in any
13 statute requiring a death certificate or order of any court
14 requiring the issuance of a death certificate.

15 SECTION 2. This act shall become effective November 1, 2019.

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17 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02/26/2019 -
18 DO PASS.