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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 269 Session of  
2023

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INTRODUCED BY WEBSTER, MADDEN, KINSEY, GUENST, PROBST, CIRESI,  
HILL-EVANS, SAPPEY, SANCHEZ, DELLOSO, SAMUELSON, SCHWEYER,  
HOWARD, CONKLIN, PIELLI, C. WILLIAMS, GREEN, McNEILL AND  
T. DAVIS, MARCH 10, 2023

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SENATOR MASTRIANO, VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS,  
IN SENATE, AS AMENDED, OCTOBER 24, 2023

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AN ACT

1 Amending Title 16 (Counties) of the Pennsylvania Consolidated  
2 Statutes, consolidating the act of April 8, 1868 (P.L.73,  
3 No.37), entitled "An act to authorize the recorder of deeds  
4 in the several counties of this Commonwealth to record the  
5 discharges of all honorably discharged officers and  
6 soldiers"; and making a repeal.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Title 16 of the Pennsylvania Consolidated

10 Statutes is amended by adding a chapter to read:

11 CHAPTER 13

12 RECORDER OF DEEDS

13 Sec.

14 1301. Definitions.

15 1302. Recording.

16 1303. Confidentiality.

17 § 1301. Definitions.

18 The following words and phrases when used in this chapter

1 shall have the meanings given to them in this section unless the  
2 context clearly indicates otherwise:

3 "Discharge." As follows:

4 (1) Each final discharge of each:

5 (i) Noncommissioned officer discharged from service  
6 under conditions other than dishonorable as provided for  
7 in 51 Pa.C.S. § 104 (relating to character of discharge).

8 (ii) Individual who was duly enlisted and mustered  
9 into any of the following:

10 (A) The armed forces of the United States.

11 (B) A reserve component.

12 (C) A women's organization officially connected  
13 with an entity under clause (A) or (B).

14 (2) Each certificate of service issued to a commissioned  
15 officer upon termination of active service as provided under  
16 paragraph (1).

17 (3) Upon application being made to the armed forces of  
18 the United States or a reserve component by the holders of  
19 the discharge and the holder's agents, attorneys or legal  
20 representatives:

21 (i) each report of separation from the armed forces  
22 of the United States or a reserve component, commonly  
23 known as DD Form 214, NGB Form 22; and

24 (ii) similar forms delivered to members of the armed  
25 services upon the member's retirement or separation from  
26 active duty.

27 "Recorder of deeds." The recorder of deeds or the equivalent  
28 officer in a home rule or optional plan county for recording.

29 "Reserve component." The term shall have the same meaning as  
30 the term "reserve component of the armed forces" has in 51

1 Pa.C.S. § 7301 (relating to definitions).

2 § 1302. Recording.

3 ~~(a) Duty. The recorder of deeds shall record each final~~ <--  
4 ~~discharge.~~

5 ~~(b) Cost.~~

6 ~~(1) The recorder may impose a fee of 50¢ for recording a~~  
7 ~~discharge, which shall be paid by the county where the~~  
8 ~~discharge is recorded upon the presentation to the county~~  
9 ~~commissioners of a voucher by the recorder recording the~~  
10 ~~discharge.~~

11 ~~(2) The recording of the discharge shall not be subject~~  
12 ~~to the payment of State tax.~~

13 ~~(3) This subsection shall not apply to a holder of a~~  
14 ~~discharge who is not a resident of this Commonwealth at the~~  
15 ~~time of making the holder's application to the recorder for~~  
16 ~~recording the discharge. THE RECORDER OF DEEDS SHALL RECORD~~ <--  
17 ~~EACH FINAL DISCHARGE.~~

18 § 1303. Confidentiality.

19 A record of a discharge received by the recorder of deeds for  
20 recording shall be confidential and may not be disclosed except  
21 as follows:

22 (1) To the individual who is the subject of the  
23 discharge, to a member of the individual's immediate family  
24 or, as authorized in writing, to the individual's agent or  
25 representative.

26 (2) To a person making a request for a record, report or  
27 form if the event that resulted in the record, report or form  
28 occurred more than 85 years prior to the request.

29 (3) If required by process of a court to be produced in  
30 a suit or proceeding pending.

1           (4) If required by the county director of veterans  
2           affairs or a department or other agency of the Commonwealth  
3           or Federal Government.

4           Section 2. Repeals are as follows:

5           (1) The General Assembly declares that the repeal under  
6           paragraph (2) is necessary to effectuate the addition of 16  
7           Pa.C.S. Ch. 13.

8           (2) The act of April 8, 1868 (P.L.73, No.37), is  
9           repealed.

10          Section 3. The addition of 16 Pa.C.S. Ch. 13 is a  
11          continuation of the act of April 8, 1868 (P.L.73, No.37). The  
12          following apply:

13          (1) Except as otherwise provided in 16 Pa.C.S. Ch. 13,  
14          all activities initiated under the act of April 8, 1868  
15          (P.L.73, No.37), shall continue and remain in full force and  
16          effect and may be completed under 16 Pa.C.S. Ch. 13. Orders,  
17          regulations, rules and decisions which were made under the  
18          the act of April 8, 1868 (P.L.73, No.37), and which are in  
19          effect on the effective date of this section, shall remain in  
20          full force and effect until revoked, vacated or modified  
21          under 16 Pa.C.S. Ch. 13. Contracts, obligations and  
22          collective bargaining agreements entered into under the act  
23          of April 8, 1868 (P.L.73, No.37), are not affected nor  
24          impaired by the repeal of the act of April 8, 1868 (P.L.73,  
25          No.37).

26          (2) Except as set forth in paragraph (3), any difference  
27          in language between 16 Pa.C.S. Ch. 13 and the act of April 8,  
28          1868 (P.L.73, No.37), is intended only to conform to the  
29          style of the Pennsylvania Consolidated Statutes and is not  
30          intended to change or affect the legislative intent, judicial

1 construction or administration and implementation of the act  
2 of April 8, 1868 (P.L.73, No.37).

3 (3) Paragraph (2) does not apply to the addition of:

4 (i) The definition of "discharge" under 16 Pa.C.S. §  
5 1301.

6 (ii) 16 Pa.C.S. § 1303(2).

7 Section 4. This act shall take effect in 60 days.