

HOUSE BILL 2670

By Fincher

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 only to a military veteran's Department of Defense Form DD-214 or other military discharge record that is first recorded with or that otherwise first comes into the possession of a governmental body on or after September 1, 2010.

(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 that 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 the presentation of proper identification, the following persons may inspect the military discharge record or obtain from the governmental body free of charge a copy or certified copy of the 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.

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

Section \_\_\_\_.

(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 an armed forces auxiliary.

(b) The register of deeds may not charge a fee for the recording and keeping of a military discharge record.

(c)

(1) This subsection (c) applies only in relation to a military discharge record that is recorded with a register of deeds under this section before September 1, 2010.

(2) The veteran who is the subject of the record or the legal guardian of the veteran may direct, in writing, that the register of deeds destroy all copies of

the record that the register of deeds makes readily available to the public, such as paper records, microfilmed or microfiched records, and electronically stored records made available to the public. The register of deeds shall comply with the direction within fifteen (15) business days after the date the direction is received. The register of deeds' compliance does not violate any law of this state relating to the preservation, destruction, or alienation of public records. The direction to destroy the copies of the record, the register of deeds' compliance, and any delay between the time the direction is made and the time the register of deeds destroys the copies may not be used to limit or restrict the public's access to the real property records of the county.

(3) A register of deeds who receives a request for inspection or duplication of a military discharge record recorded before September 1, 2010, is only required to search for the record in places where or media in which the register of deeds makes records readily available to the public, such as paper records, microfilmed or microfiched records, and electronically stored records made available to the public. This subdivision does not apply to a request made by the veteran who is the subject of the military discharge record or the legal guardian of the veteran.

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