

SENATE BILL NO. 55

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Education and Health

on _____)

(Patron Prior to Substitute--Senator Cosgrove)

A BILL to amend and reenact § 32.1-269.1 of the Code of Virginia, relating to amending death certificates.

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-269.1 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-269.1. Amending death certificates; change and correction of demographic information by affidavit or court order.

A. Notwithstanding § 32.1-276, a death certificate registered under this chapter may be amended only in accordance with this section and such regulations as may be adopted by the Board to protect the integrity and accuracy of such death certificate. Such regulations shall specify the minimum evidence required for a change in any such death certificate.

B. A death certificate that is amended under this section shall be marked "amended," and the date of amendment and a summary description of the evidence submitted in support of the amendment shall be endorsed on or made a part of the death certificate. The Board shall prescribe by regulation the conditions under which omissions or errors on death certificates may be corrected.

C. The State Registrar, upon receipt of an affidavit and supporting evidence testifying to corrected information on a death certificate within 45 days of the filing of a death certificate, shall amend such death certificate to reflect the new information and evidence.

D. The State Registrar, upon receipt of an affidavit and supporting evidence testifying to corrected information on a death certificate more than 45 days after the filing of a death certificate, including the correct spelling of the name of the deceased, the deceased's parent or spouse, or the informant; the sex, age, race, date of birth, place of birth, citizenship, social security number, education, occupation or kind or type of business, military status, or date of death of the deceased; the place of residence of the deceased,

27 if located within the Commonwealth; the name of the institution; the county, city, or town where the death
28 occurred; or the street or place where the death occurred, shall amend such death certificate to reflect the
29 new information and evidence.

30 ~~D.~~E. For death certificate amendments received more than 45 days after the filing of a death
31 certificate, other than the correction of information by the State Registrar pursuant to subsection ~~C~~D, the
32 surviving spouse or immediate family, as defined by the regulations of the Board, of the deceased;
33 attending funeral service licensee; or other reporting source may file a petition with the circuit court of
34 the county or city in which the decedent resided as of the date of his death, or the Circuit Court of the City
35 of Richmond, requesting an order to amend a death certificate, along with an affidavit sworn to under oath
36 that supports such request. A copy of the petition shall be served upon (i) the State Registrar pursuant to
37 Chapter 8 (§ 8.01-285 et seq.) of Title 8.01 and (ii) any person listed as an informant on the death
38 certificate, unless such person provides an affidavit in support of such petition. The clerk shall submit
39 such petition and any evidence received with the petition to the judge for entry of an order without the
40 necessity of a hearing, unless the judge decides a hearing is necessary. The clerk shall transmit a certified
41 copy of the court's order to the State Registrar, who shall amend such death certificate in accordance with
42 the order. The matters for which a petition may be filed include changing the name of the deceased, the
43 deceased's parent or spouse, or the informant; the marital status of the deceased; or the place of residence
44 of the deceased, when the place of residence is outside the Commonwealth.

45 ~~E.~~F. When an applicant, as defined by the regulations of the Board, does not submit the minimum
46 documentation required by regulation to amend a death certificate or when the State Registrar finds reason
47 to question the validity or sufficiency of the evidence, the death certificate shall not be amended and the
48 State Registrar shall so advise the applicant. An aggrieved applicant may petition the circuit court of the
49 county or city in which he resides, or the Circuit Court of the City of Richmond, for an order compelling
50 the State Registrar to amend the death certificate; an aggrieved applicant who is currently residing out of
51 state may petition any circuit court in the Commonwealth for such an order. A copy of the petition shall
52 be served upon (i) the State Registrar pursuant to Chapter 8 (§ 8.01-285 et seq.) of Title 8.01 and (ii) any
53 person listed as an informant on the death certificate, unless such person provides an affidavit in support

54 of such petition. The clerk shall submit such petition and any evidence received with the petition to the
55 judge for entry of an order without the necessity of a hearing, unless the judge decides a hearing is
56 necessary. The State Registrar or his authorized representative may appear and testify in such proceeding.
57 The clerk shall transmit a certified copy of the court's order to the State Registrar, who shall amend such
58 death certificate in accordance with the order.

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