

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 146
HOUSE BILL 569

AN ACT TO AMEND THE VITAL RECORDS LAW TO AVOID UNLAWFUL
DUPLICATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-26 reads as rewritten:

"§ 130A-26. Violations of Article 4.

A person who commits any of the following acts shall be guilty of a general misdemeanor:

- (1) Willfully and knowingly makes any false statement in a certificate, record or report required by Article 4 of this Chapter or in an application for a certified copy of a vital record, or who willfully and knowingly supplies false information intending that the information be used in the preparation of any report, record, or certificate, or amendment;
- (2) Without lawful authority and with the intent to deceive makes, counterfeits, alters, amends or mutilates a certificate, record or report required by Article 4 of this Chapter or a certified copy of the certificate, record or report;
- (3) Willfully and knowingly obtains, possesses, uses, sells or furnishes to another person, for any purpose of deception, a certificate, record or report required by Article 4 of this Chapter or a certified copy of the certificate, record or report, which is counterfeited, altered, amended or mutilated, or which is false in whole or in part or which relates to the birth of another person, whether living or deceased;
- (4) A person employed by the Vital Records Branch or designated under Article 4 of this Chapter who willfully and knowingly furnishes or processes a certificate of birth, or certified copy of a certificate of birth, with the knowledge or intention that it be used for the purposes of deception; ~~or~~
- (5) Without lawful authority possesses a certificate, record or report required by Article 4 of this Chapter or a certified copy of the certificate, record or report knowing that it was stolen or otherwise unlawfully obtained;
- (6) Remove or permit the removal of a dead body of a human being without authorization provided in Article 4 of this Chapter;

- (7) Refuse or fail to furnish correctly any information in the person's possession or shall furnish false information affecting a certificate or record required by Article 4 of this Chapter;
- (8) Willfully alter, except as provided by ~~G.S. 130A-123~~ [G.S. 130A-118], G.S. 130A-118, or falsify a certificate or record required by Article 4 of this Chapter; or willfully alter, falsify or change a photocopy, certified copy, extract copy or any document containing information obtained from an original or copy of a certificate or record required by Article 4 of this Chapter or willfully make, create or use any altered, falsified or changed record, reproduction, copy or document for the purpose of attempting to prove or establish for any purpose whatsoever any matter purported to be shown on it;
- (8a) Without lawful authority, manufacture or possess a Vital Records Section seal, or a reproduction or a counterfeit copy of the seal;
- (9) With the intention to deceive, willfully use or attempt to use a certificate of birth or certified copy of a record of birth knowing that the certificate or certified copy was issued upon a record which is false in whole or in part or which relates to the birth of another person;
- (10) Willfully and knowingly furnish a certificate of birth or certified copy of a record of birth with the intention that it be used by an unauthorized person or for an unauthorized purpose; or
- (11) Fail, neglect or refuse to perform any act or duty required by Article 4 of this Chapter or by the instructions of the State Registrar prepared under authority of the Article."

Sec. 2. G.S. 130A-92(a) reads as rewritten:

"(a) The State Registrar shall secure and maintain all vital records required under this Article and shall do all things necessary to carry out its provisions. The State Registrar shall:

- (1) Examine vital records received from local registrars to determine if these records are complete and satisfactory, and require the provision of information necessary to make the records complete and satisfactory;
- (2) Permanently preserve the information from the vital records in a systematic manner in adequate fireproof space which shall be provided in a State building by the Department of Administration, and maintain a comprehensive and continuous index of all vital records;
- (3) Prepare and supply or approve all forms used in carrying out the provisions of this Article; ~~Article which shall be the only forms used to file vital records in this State;~~
- (4) Appoint local registrars as required by G.S. 130A-95 and exercise supervisory authority over local registrars, deputy local registrars and sub-registrars;

- (5) Enforce the provisions of this Article, investigate cases of irregularity or violations and report violations to law-enforcement officials for prosecution under G.S. 130A-26;
- (6) Conduct studies and research and recommend to the General Assembly any additional legislation necessary to carry out the purposes of this Article; and
- (7) Adopt rules necessary to carry out the provisions of this Article."

Sec. 3. G.S. 130A-93(a) reads as rewritten:

"(a) Only the State Registrar shall have access to original vital ~~records~~ records and to indices to the original vital records. County offices authorized to issue certificates and the North Carolina State Archives also shall have access to indices to these original vital records, when specifically authorized by the State Registrar."

Sec. 4. This act becomes effective October 1, 1993.

In the General Assembly read three times and ratified this the 10th day of June, 1993.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives