

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 844
Committee Substitute Favorable 4/24/95

Short Title: Amend Vital Records Law.

(Public)

Sponsors:

Referred to:

April 12, 1995

A BILL TO BE ENTITLED

AN ACT TO AMEND THE VITAL RECORDS LAW.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-26 is repealed.
Sec. 2. Chapter 130A of the General Statutes is amended by adding the following new section to read:

"§ 130A-26A. Violations of Article 4.

(a) A person who commits any of the following acts shall be guilty of a Class 1 misdemeanor:

(1) Willfully and knowingly makes any false statement in a certificate, record, or report required by Article 4 of this Chapter;

(2) Removes or permits the removal of a dead body of a human being without authorization provided in Article 4 of this Chapter;

(3) Refuses or fails to furnish correctly any information in the person's possession or furnishes false information affecting a certificate or record required by Article 4 of this Chapter;

(4) Fails, neglects, or refuses 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.

- 1 (5) Charges a fee for performing any act or duty required by Article 4 of
2 this Chapter or by the State Registrar pursuant to Article 4 of this
3 Chapter, other than fees specifically authorized by law.
- 4 (b) A person who commits any of the following acts shall be guilty of a Class I
5 felony:
- 6 (1) Willfully and knowingly makes any false statement in an application for
7 a certified copy of a vital record, or who willfully and knowingly
8 supplies false information intending that the information be used in the
9 obtaining of any copy of a vital record;
- 10 (2) Without lawful authority and with the intent to deceive makes,
11 counterfeits, alters, amends, or mutilates a certificate, record, or report
12 required by Article 4 of this Chapter or a certified copy of the
13 certificate, record, or report;
- 14 (3) Willfully and knowingly obtains, possesses, sells, furnishes, uses, or
15 attempts to use for any purpose of deception, a certificate, record, or
16 report required by Article 4 of this Chapter or a certified copy of the
17 certificate, record, or report, which is counterfeited, altered, amended, or
18 mutilated, or which is false in whole or in part or which relates to the
19 birth of another person, whether living or deceased;
- 20 (4) When employed by the Vital Records Section of the Department or
21 designated under Article 4 of this Chapter, willfully and knowingly
22 furnishes or processes a certificate of birth, death, marriage, or divorce,
23 or certified copy of a certificate of birth, death, marriage, or divorce
24 with the knowledge or intention that it be used for the purposes of
25 deception;
- 26 (5) Without lawful authority possesses a certificate, record, or report
27 required by Article 4 of this Chapter or a certified copy of the
28 certificate, record, or report knowing that it was stolen or otherwise
29 unlawfully obtained;
- 30 (6) Willfully alters, except as provided by G.S. 130A-118, or falsifies a
31 certificate or record required by Article 4 of this Chapter; or willfully
32 alters, falsifies, or changes a photocopy, certified copy, extract copy, or
33 any document containing information obtained from an original or copy
34 of a certificate or record required by Article 4 of this Chapter; or
35 willfully makes, creates, or uses any altered, falsified or changed record,
36 reproduction, copy or document for the purpose of attempting to prove
37 or establish for any purpose whatsoever any matter purported to be
38 shown on it;
- 39 (7) Without lawful authority, manufactures or possesses the seal of: (i) the
40 Vital Records Section, (ii) a county register of deeds, or (iii) a county
41 health department, or without lawful authority, manufactures or
42 possesses a reproduction or a counterfeit copy of the seal;

- 1 (8) Without lawful authority prepares or issues any certificate which
2 purports to be an official certified copy of a vital record;
3 (9) Without lawful authority, manufactures or possesses Vital Records
4 Section, county register of deeds, or county health department vital
5 records forms or safety paper used to certify births, deaths, marriages,
6 and divorces, or reproductions or counterfeit copies of the forms or
7 safety paper; or
8 (10) Willfully and knowingly furnishes a certificate of birth or certified copy
9 of a record of birth with the intention that it be used by an unauthorized
10 person or for an unauthorized purpose."

11 Sec. 3. G.S. 130A-101(b) reads as rewritten:

12 "(b) When a birth occurs in a hospital or other medical facility, the person in charge
13 of the facility shall obtain the personal data, prepare the certificate, secure the signatures
14 required by the certificate and file it with the local registrar. registrar within five days after
15 the birth. The physician or other person in attendance shall provide the medical
16 information required by the ~~certificate~~ certificate, and shall certify the facts of birth within 10
17 ~~days after the birth.~~ ~~If the physician or other person in attendance does not certify the facts of~~
18 ~~birth within the ten-day period, the person in charge of the facility may complete and sign the~~
19 ~~certificate."~~

20 Sec. 4. This act becomes effective October 1, 1995.