



SPONSOR: Sen. Bunting & Rep. Cathcart ;  
Sens. McBride, McDowell, Peterson, Connor, Venables, Sorenson;  
Reps. Spence, Buckworth, Hocker, Hudson, Lavelle, Miro, Wagner,  
George, Hall-Long, Keeley, Schwartzkopf, Sens. DeLuca, Henry,  
Sokola, Rep. Gilligan, Maier

DELAWARE STATE SENATE

143rd GENERAL ASSEMBLY

SENATE BILL NO. 81

AN ACT TO AMEND TITLE 9 AND TITLE 29 OF THE DELAWARE CODE RELATING TO CERTIFICATES OF RELEASE OR DISCHARGE FROM ACTIVE MILITARY SERVICE (DD FORM 214).

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 9605(a), Title 9 of Delaware Code, by striking the following language in its entirety: “including  
2 certificates of discharge regularly issued by the United States Army, Air Force, Navy, Coast Guard or Marine Corps. The recorder  
3 shall forthwith make a proper note of the same in the indices. No fee shall be charged for recording any certificate of discharge in  
4 this subsection.”.

5 Section 2. Amend § 9605, Title 9 of the Delaware Code, by adding thereto a new subsection (j) to read as follows:

6 “(j) The County Recorders of Deeds shall not record military service discharge documents. The County Recorders of Deeds  
7 shall transfer all recorded military service discharge documents to the Delaware Commission of Veterans Affairs, the  
8 State’s Repository pursuant to 29 Del. C. § 8721. The Delaware Commission of Veterans Affairs shall maintain all  
9 certificates of release or discharge from active military service or similar discharge documents as defined.”.

10 Section 3. Amend § 10002(g)(15), Title 29 of the Delaware Code, by striking the word “or” as it appears at the end thereof.

11 Section 4. Amend § 1002(g)(16)b., Title 29 of the Delaware Code, by striking the term “title.” as it appears at the end thereof  
12 and by substituting in lieu thereof the term “title; or”.

13 Section 5. Amend § 10002(g), Title 29 of the Delaware Code, by inserting therein a new paragraph to read as follows:

14 “(17)a. Any military service discharge document(s), a discharge, separation notice, certificate of service, report of  
15 transfer or discharge, or any other notice or document which is evidence of severance or transfer from military  
16 service and which contains a service record from the armed forces of the United States, or any document that  
17 purports to represent a notice of separation from or service in any armed forces of the United States including but  
18 not limited to the United States Department of Defense, DD Form 214, of a veteran of the armed forces of the

United States, which has been heretofore recorded at a County Recorder of Deeds. Such document(s) may only be disclosed in accordance with the provisions of this section.

b. Access to Authorized Persons: The following persons are permitted to view or reproduce recorded military service discharge documents:

1. The veteran subject of the discharge;
2. The spouse or child of a veteran, with consent of the veteran;
3. If the veteran is deceased, a survivor or heir of the veteran who may be eligible to claim any type of benefit by virtue of the veteran's service in the military;
4. A person with a signed and notarized authorization from the veteran;
5. A county, state or federal officer assisting the veteran or veteran's family with a veteran's benefit application;
6. Anyone authorized by an Order from a Delaware Court, to view or copy the document; or
7. Government agencies, including courts, that have an interest in assisting the veteran subject to the military service discharge record or in assisting the beneficiaries of the deceased veteran subject to the military service discharge record or in assisting the beneficiaries of the deceased veteran subject to the military service discharge record in obtaining a benefit.".

#### SYNOPSIS

The new sections provide necessary protection from identity theft for Delaware's veterans. From World War I until very recently, the federal government advised veterans to file their military service discharge documents, listed above, with the veteran's local county Recorder of Deeds. These forms contain very private, sensitive and personal information that can be used by identity thieves to obtain credit, etc., or otherwise defraud the veteran and the veteran's family. Identity theft crimes have increased dramatically, particularly those where criminals use military service discharge records to obtain credit in a veteran's name, or otherwise defraud the veteran or the veteran's family. Given the devastating economic and personal effects suffered by the victims of these crimes, this act provides the necessary protection to veterans and their dependents by making those military service discharge records filed with the counties' Recorder of Deeds, confidential and inaccessible by the public, and not subject to the Delaware Freedom of Information Act.