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SENATE BILL NO. 55

Offered January 12, 2022

Prefiled December 31, 2021

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

Patron—Cosgrove

Referred to Committee on Education and Health

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 30 days of the death of a decedent, 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 *after 30 days of the decedent's death*, 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, if located within the Commonwealth; the name of the institution; the county, city, or town where the death occurred; or the street or place where the death occurred, shall amend such death certificate to reflect the new information and evidence.

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

~~E.~~ F. When an applicant, as defined by the regulations of the Board, does not submit the minimum documentation required by regulation to amend a death certificate or when the State Registrar finds reason to question the validity or sufficiency of the evidence, the death certificate shall not be amended and the State Registrar shall so advise the applicant. An aggrieved applicant may petition the circuit court of the county or city in which he resides, or the Circuit Court of the City of Richmond, for an order compelling the State Registrar to amend the death certificate; an aggrieved applicant who is currently residing out of state may petition any circuit court in the Commonwealth for such an order. A copy of the petition shall be served upon (i) the State Registrar pursuant to Chapter 8 (§ 8.01-285 et seq.) of Title 8.01 and (ii) any person listed as an informant on the death certificate, unless such person provides an affidavit in support of such petition. The clerk shall submit such petition and any evidence received with the petition to the judge for entry of an order without the necessity of a hearing, unless

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59 the judge decides a hearing is necessary. The State Registrar or his authorized representative may appear
60 and testify in such proceeding. The clerk shall transmit a certified copy of the court's order to the State
61 Registrar, who shall amend such death certificate in accordance with the order.