

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 269 Session of 2023

INTRODUCED BY WEBSTER, MADDEN, KINSEY, GUENST, PROBST, CIRESI, HILL-EVANS, SAPPEY, SANCHEZ, DELLOSO, SAMUELSON, SCHWEYER, HOWARD, CONKLIN, PIELLI, C. WILLIAMS AND GREEN, MARCH 10, 2023

AS REPORTED FROM COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 23, 2023

AN ACT

1 Amending TITLE 16 (COUNTIES) OF THE PENNSYLVANIA CONSOLIDATED <--
2 STATUTES, CONSOLIDATING the act of April 8, 1868 (P.L.73,
3 No.37), entitled "An act to authorize the recorder of deeds
4 in the several counties of this Commonwealth to record the
5 discharges of all honorably discharged officers and
6 soldiers," further providing for confidentiality of records. <--
7 "; AND MAKING A REPEAL. <--

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 2(2) of the act of April 8, 1868 (P.L.73, <--
11 No.37), entitled "An act to authorize the recorder of deeds in-
12 the several counties of this commonwealth to record the-
13 discharges of all honorably discharged officers and soldiers,"-
14 is amended to read:

15 Section 2. Records of discharges, reports of separation and-
16 similar forms recorded or received by the recorder of deeds for-
17 recording under section 1 shall be confidential and no-
18 disclosure thereof shall be made by the recorder of deeds except-

1 ~~as follows:~~

2 * * *

3 ~~(2) To a person making a request for a record, report or~~
4 ~~form when the event that resulted in the record, report or form~~
5 ~~occurred more than [seventy five] eighty five years prior to the~~
6 ~~request.~~

7 * * *

8 SECTION 1. TITLE 16 OF THE PENNSYLVANIA CONSOLIDATED <--
9 STATUTES IS AMENDED BY ADDING A CHAPTER TO READ:

10 CHAPTER 13
11 RECORDER OF DEEDS

12 SEC.

13 1301. DEFINITIONS.

14 1302. RECORDING.

15 1303. CONFIDENTIALITY.

16 § 1301. DEFINITIONS.

17 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
18 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
19 CONTEXT CLEARLY INDICATES OTHERWISE:

20 "DISCHARGE." AS FOLLOWS:

21 (1) EACH FINAL DISCHARGE OF EACH:

22 (I) NONCOMMISSIONED OFFICER DISCHARGED FROM SERVICE
23 UNDER CONDITIONS OTHER THAN DISHONORABLE AS PROVIDED FOR
24 IN 51 PA.C.S. § 104 (RELATING TO CHARACTER OF DISCHARGE).

25 (II) INDIVIDUAL WHO WAS DULY ENLISTED AND MUSTERED
26 INTO ANY OF THE FOLLOWING:

27 (A) THE ARMED FORCES OF THE UNITED STATES.

28 (B) A RESERVE COMPONENT.

29 (C) A WOMEN'S ORGANIZATION OFFICIALLY CONNECTED
30 WITH AN ENTITY UNDER CLAUSE (A) OR (B).

1 (2) EACH CERTIFICATE OF SERVICE ISSUED TO A COMMISSIONED
2 OFFICER UPON TERMINATION OF ACTIVE SERVICE AS PROVIDED UNDER
3 PARAGRAPH (1).

4 (3) UPON APPLICATION BEING MADE TO THE ARMED FORCES OF
5 THE UNITED STATES OR A RESERVE COMPONENT BY THE HOLDERS OF
6 THE DISCHARGE AND THE HOLDER'S AGENTS, ATTORNEYS OR LEGAL
7 REPRESENTATIVES:

8 (I) EACH REPORT OF SEPARATION FROM THE ARMED FORCES
9 OF THE UNITED STATES OR A RESERVE COMPONENT, COMMONLY
10 KNOWN AS DD FORM 214, NGB FORM 22; AND

11 (II) SIMILAR FORMS DELIVERED TO MEMBERS OF THE ARMED
12 SERVICES UPON THE MEMBER'S RETIREMENT OR SEPARATION FROM
13 ACTIVE DUTY.

14 "RECORDER OF DEEDS." THE RECORDER OF DEEDS OR THE EQUIVALENT
15 OFFICER IN A HOME RULE OR OPTIONAL PLAN COUNTY FOR RECORDING.

16 "RESERVE COMPONENT." THE TERM SHALL HAVE THE SAME MEANING AS
17 THE TERM "RESERVE COMPONENT OF THE ARMED FORCES" HAS IN 51
18 PA.C.S. § 7301 (RELATING TO DEFINITIONS).
19 § 1302. RECORDING.

20 (A) DUTY.--THE RECORDER OF DEEDS SHALL RECORD EACH FINAL
21 DISCHARGE.

22 (B) COST.--

23 (1) THE RECORDER MAY IMPOSE A FEE OF 50¢ FOR RECORDING A
24 DISCHARGE, WHICH SHALL BE PAID BY THE COUNTY WHERE THE
25 DISCHARGE IS RECORDED UPON THE PRESENTATION TO THE COUNTY
26 COMMISSIONERS OF A VOUCHER BY THE RECORDER RECORDING THE
27 DISCHARGE.

28 (2) THE RECORDING OF THE DISCHARGE SHALL NOT BE SUBJECT
29 TO THE PAYMENT OF STATE TAX.

30 (3) THIS SUBSECTION SHALL NOT APPLY TO A HOLDER OF A

1 DISCHARGE WHO IS NOT A RESIDENT OF THIS COMMONWEALTH AT THE
2 TIME OF MAKING THE HOLDER'S APPLICATION TO THE RECORDER FOR
3 RECORDING THE DISCHARGE.

4 § 1303. CONFIDENTIALITY.

5 A RECORD OF A DISCHARGE RECEIVED BY THE RECORDER OF DEEDS FOR
6 RECORDING SHALL BE CONFIDENTIAL AND MAY NOT BE DISCLOSED EXCEPT
7 AS FOLLOWS:

8 (1) TO THE INDIVIDUAL WHO IS THE SUBJECT OF THE
9 DISCHARGE, TO A MEMBER OF THE INDIVIDUAL'S IMMEDIATE FAMILY
10 OR, AS AUTHORIZED IN WRITING, TO THE INDIVIDUAL'S AGENT OR
11 REPRESENTATIVE.

12 (2) TO A PERSON MAKING A REQUEST FOR A RECORD, REPORT OR
13 FORM IF THE EVENT THAT RESULTED IN THE RECORD, REPORT OR FORM
14 OCCURRED MORE THAN 85 YEARS PRIOR TO THE REQUEST.

15 (3) IF REQUIRED BY PROCESS OF A COURT TO BE PRODUCED IN
16 A SUIT OR PROCEEDING PENDING.

17 (4) IF REQUIRED BY THE COUNTY DIRECTOR OF VETERANS
18 AFFAIRS OR A DEPARTMENT OR OTHER AGENCY OF THE COMMONWEALTH
19 OR FEDERAL GOVERNMENT.

20 SECTION 2. REPEALS ARE AS FOLLOWS:

21 (1) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER
22 PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THE ADDITION OF 16
23 PA.C.S. CH. 13.

24 (2) THE ACT OF APRIL 8, 1868 (P.L.73, NO.37), IS
25 REPEALED.

26 SECTION 3. THE ADDITION OF 16 PA.C.S. CH. 13 IS A
27 CONTINUATION OF THE ACT OF APRIL 8, 1868 (P.L.73, NO.37). THE
28 FOLLOWING APPLY:

29 (1) EXCEPT AS OTHERWISE PROVIDED IN 16 PA.C.S. CH. 13,
30 ALL ACTIVITIES INITIATED UNDER THE ACT OF APRIL 8, 1868

1 (P.L.73, NO.37), SHALL CONTINUE AND REMAIN IN FULL FORCE AND
2 EFFECT AND MAY BE COMPLETED UNDER 16 PA.C.S. CH. 13. ORDERS,
3 REGULATIONS, RULES AND DECISIONS WHICH WERE MADE UNDER THE
4 THE ACT OF APRIL 8, 1868 (P.L.73, NO.37), AND WHICH ARE IN
5 EFFECT ON THE EFFECTIVE DATE OF THIS SECTION, SHALL REMAIN IN
6 FULL FORCE AND EFFECT UNTIL REVOKED, VACATED OR MODIFIED
7 UNDER 16 PA.C.S. CH. 13. CONTRACTS, OBLIGATIONS AND
8 COLLECTIVE BARGAINING AGREEMENTS ENTERED INTO UNDER THE ACT
9 OF APRIL 8, 1868 (P.L.73, NO.37), ARE NOT AFFECTED NOR
10 IMPAIRED BY THE REPEAL OF THE ACT OF APRIL 8, 1868 (P.L.73,
11 NO.37).

12 (2) EXCEPT AS SET FORTH IN PARAGRAPH (3), ANY DIFFERENCE
13 IN LANGUAGE BETWEEN 16 PA.C.S. CH. 13 AND THE ACT OF APRIL 8,
14 1868 (P.L.73, NO.37), IS INTENDED ONLY TO CONFORM TO THE
15 STYLE OF THE PENNSYLVANIA CONSOLIDATED STATUTES AND IS NOT
16 INTENDED TO CHANGE OR AFFECT THE LEGISLATIVE INTENT, JUDICIAL
17 CONSTRUCTION OR ADMINISTRATION AND IMPLEMENTATION OF THE ACT
18 OF APRIL 8, 1868 (P.L.73, NO.37).

19 (3) PARAGRAPH (2) DOES NOT APPLY TO THE ADDITION OF:

20 (I) THE DEFINITION OF "DISCHARGE" UNDER 16 PA.C.S. §
21 1301.

22 (II) 16 PA.C.S. § 1303(2).

23 Section 2 4. This act shall take effect in 60 days.

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