CHAPTER 15

Recordation of Veterans’ Discharge

**SECTION 30‑15‑10.** Book for recording discharges from military and naval forces of United States.

 There shall be provided and at all times maintained in the office of the clerk of court of each county a special and permanent book in which shall be recorded official discharges from the military and naval forces of the United States. Such book shall be securely bound, shall contain an alphabetical index and the pages of it shall be printed in the form of discharge papers, with sufficient blank lines for the recording of such dates as may be contained in the discharge papers offered for registration.

HISTORY: 1962 Code Section 60‑401; 1952 Code Section 60‑401; 1942 Code Section 8893; 1932 Code Section 8893; 1923 (33) 98.

CROSS REFERENCES

Military and veterans affairs, generally, see Sections 25‑1‑10 et seq.

Library References

Armed Services 22.

Records 6.

Westlaw Topic Nos. 326, 34.

C.J.S. Armed Services Sections 1, 46, 62, 112, 115 to 134, 345.

C.J.S. Records Sections 9 to 14, 17 to 18.

**SECTION 30‑15‑15.** Invalidating filing of discharge form with court clerk.

 A person retired or discharged from the armed services of the United States who has filed his release or discharge certificate now known as DD Form 214 with the clerk of court of any county of this State for safekeeping or other purposes may invalidate this filing and remove it from the public records in the manner provided by this section. The person filing the certificate must notify the clerk of court in writing and under oath he wishes the certificate to be removed from the public records. The clerk of court shall remove the certificate from the public records and return the original to him if available and in possession of the clerk.

HISTORY: 2005 Act No. 46, Section 1.

**SECTION 30‑15‑20.** Recordation of discharges.

 Upon the presentation of any official discharge or official certificate of lost discharge from the armed services of the United States, the clerk of court of any county of the State shall record free such discharge in the book provided for in Section 30‑15‑10.

HISTORY: 1962 Code Section 60‑402; 1952 Code Section 60‑402; 1942 Code Section 8893; 1932 Code Section 8893; 1923 (33) 98; 1945 (44) 8, 54.

Library References

Armed Services 22.

Records 6.

Westlaw Topic Nos. 326, 34.

C.J.S. Armed Services Sections 1, 46, 62, 112, 115 to 134, 345.

C.J.S. Records Sections 9 to 14, 17 to 18.

**SECTION 30‑15‑30.** Assistance from American Legion.

 The clerk of court shall call to his assistance the head officer of the posts of American Legion in his county to furnish a perfect list of the persons entitled to registration.

HISTORY: 1962 Code Section 60‑403; 1952 Code Section 60‑403; 1942 Code Section 8893; 1932 Code Section 8893; 1923 (33) 98.

CROSS REFERENCES

Improper use of American Legion emblems, see Section 25‑15‑30.

**SECTION 30‑15‑40.** Inquiry as to validity of discharge; oath of person seeking registration.

 If any clerk of court shall be in doubt as to whether or not any paper so presented for registration is an official discharge from the Army, Navy or Marine Corps of the United States or an official certificate of lost discharge, he may examine, under oath, the person so presenting such discharge or otherwise inquire into its validity. And every clerk of court to whom a discharge or certificate of lost discharge is presented for registration shall administer to the person offering such discharge or certificate of lost discharge for registration the following oath, to be recorded with and form a part of the registration of such discharge or certificate of lost discharge:

 “I, \_\_\_\_\_\_\_\_\_\_, being duly sworn, depose and say that the foregoing discharge (or certificate of lost discharge) is the original discharge (or certificate of lost discharge) issued to me by the government of the United States and that no alterations have been made therein by me or by any person to my knowledge.

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 “Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_ 19\_\_\_

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HISTORY: 1962 Code Section 60‑406; 1952 Code Section 60‑406; 1942 Code Section 8893; 1932 Code Section 8893; 1923 (33) 98.

Library References

Armed Services 22.

Records 6.

Westlaw Topic Nos. 326, 34.

C.J.S. Armed Services Sections 1, 46, 62, 112, 115 to 134, 345.

C.J.S. Records Sections 9 to 14, 17 to 18.

**SECTION 30‑15‑50.** Forgery of discharge.

 It is unlawful for a person to forge or in any manner alter any discharge or certificate of lost discharge issued by the government of the United States and offer it for registration or secure the registration of it under the provisions of this chapter.

 A person who violates the provisions of this chapter is guilty of a misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned not more than two years.

HISTORY: 1962 Code Section 60‑407; 1952 Code Section 60‑407; 1942 Code Section 8893; 1932 Code Section 8893; 1923 (33) 98; 1993 Act No. 184, Section 206.

Library References

Armed Services 22, 26.

Westlaw Topic No. 34.

C.J.S. Armed Services Sections 1, 46, 62, 112, 115 to 134, 156, 345.

**SECTION 30‑15‑60.** Obtaining certified copy of registered discharge; discharge records as public information.

 (A) Any person authorized in subsection (C) desiring a certified copy of any discharge or certificate of lost discharge, registered under the provisions of this chapter, must apply for it to the clerk of court of the county in which the discharge or certificate of lost discharge is registered, and the clerk of court must furnish a certified copy. Fees for furnishing a certified copy of discharge or DD 214 form may be established by each county, but shall not exceed fifty cents.

 (B) The clerk of court or the register of deeds may designate the county veterans’ affairs officer to receive these applications and furnish these copies as provided by this section. Subject to the approval of the county governing body, the clerk of court and the county veterans’ affairs officer may enter into a written agreement pursuant to which the responsibilities of the clerk of court under this chapter to receive, record, and maintain recorded discharges may be devolved to the county veterans’ affairs officer. Upon transfer of the records, the county veterans’ affairs officer may issue copies as requested.

 (C)(1) A DD 214 record or other discharge record filed pursuant to this chapter is not a public record for purposes of Chapter 4, Title 30. It is unlawful for any person to permit inspection of any such record, to disclose information contained in the record, or to issue a copy of all or any part of the record, except as authorized by this subsection or by order of a court of competent jurisdiction.

 (2) Upon presentation of proper identification, any of the following persons may examine a record filed pursuant to this chapter or obtain a copy or certified copy of all or part of such record:

 (a) the person who is the subject of the record, or his designee;

 (b) the spouse or next of kin of the person who is the subject of the record;

 (c) a person named in an appropriate power of attorney executed by the person who is the subject of the record;

 (d) the administrator, executor, guardian, or legal representative of the person who is the subject of the record; or

 (e) an attorney for any person specified in subitems (a) through (d) of this item.

 (3) Records kept pursuant to this chapter shall not be reproduced or used in whole or in part for any commercial or speculative purposes.

 (4) Any individual, agency, or court which obtains information pursuant to this subsection must not disseminate or disclose this information or any part thereof except as authorized in this subsection or otherwise by law.

 (5) Beginning fifty years after the death of the person who is the subject of the record, any person conducting genealogical research may examine a record filed pursuant to this chapter or obtain a copy or certified copy of all or part of such record.

HISTORY: 1962 Code Section 60‑408; 1952 Code Section 60‑408; 1942 Code Section 8893; 1932 Code Section 8893; 1923 (33) 98; 1985 Act No. 160, Section 1; 1991 Act No. 137, Section 1; 2002 Act No. 308, Section 1.

Code Commissioner’s Note

1997 Act No. 34, Section 1, directed the Code Commissioner to change all references to “Register of Mesne Conveyances” to “Register of Deeds” wherever appearing in the 1976 Code of Laws.

Library References

Records 15.

Westlaw Topic No. 326.

C.J.S. Records Sections 61, 66, 69, 95.