

January 2006

## MODEL LETTERS AND DIRECTIONS ON PENDING LEGISLATION EFFECTING ACCESS TO VITAL RECORDS

**See below for bills in New Hampshire and New Jersey**

**Note: This information is current as of the posting date, February 2, 2006. Please check the URL sites given for the legislation below for the most current information.**

**For more information contact [jan@IAJGS.org](mailto:jan@IAJGS.org)**

**Jan Meisels Allen, director**

**IAJGS and Pubic Records Access and Monitoring  
Committee**

### **New Hampshire HB 1382**

HB 1382 as currently drafted requires a person's prior approval, before vital records can be released. The definition of individual includes a "deceased person" thereby making it virtually impossible to get a deceased's birth, marriage or death records. No accommodation is included for genealogical copies of vital records.

You may read the bill at: <http://gencourt.state.nh.us/legislation/2006/HB1382.html>  
(You will need Adobe acrobat to read it- a free down load is available at <http://www.adobe.com/products/acrobat/readmain.html> ).

While this is an attempt to address identity theft, the instances of identity theft result not from someone obtaining a vital record, but from hacking into data bases such as banks, and Choice Point- all of which have been in the news the past several years.

On January 31, 2006, the New Hampshire House of Representatives will hold a hearing. At some time after the hearing, the same day or within the week, they

will hold an executive session to vote. If the bill passes out of committee, with or without amendments, it will then go to the floor of the House of Representatives. If it passes on the House floor, it will be referred to the Senate where it will go through the same process. The best process is to send your letter to the staff person of the committee and ask them to make copies for the legislators at the upcoming hearings.

## **Model Letter on New Hampshire HB 1382**

**This is a sample- it is better if you write the letter with your personal touch so that all letters do not look identical!**

As House Judiciary Committee, meets on January 31 at 10AM please e-mail your letters to: Bryan Connelly, House Judiciary Committee Secretary at: [bryan.connolly@leg.state.NH.us](mailto:bryan.connolly@leg.state.NH.us) Ask him to make copies for the committee members. **Do not sent Mr. Connelly letters after the bill leaves the Judiciary Committee for the House Floor!**

Your name and address or organization's letterhead

Date

Name and address of person writing to:

Re: **New Hampshire HB 1382**  
Position: **Support if Amended**

Dear Representative/Senator XXX,

I am writing to you regarding HB 1382. We in the genealogical community are concerned about its impact as currently drafted. While we are supportive of the intent to protect the residents of New Hampshire from improper usage of their personal information, we question how a deceased person can provide prior approval for utilization of their data.

As you know, genealogy is one of the most popular and fastest growing hobbies. As genealogists and family historians, we want to assure continued access to copies of vital records birth, marriage and death records. To assure us our continued access we respectfully encourage you to authorize genealogical copies of vital records, i.e. informational copies that contain all the same data but do not have a state seal, thereby negating anyone using it for identification purposes. We request that you amend the definition of "individual" in the bill by removing the phrase "a deceased individual" and adding the word "living". The new definition would be: "Individual" means a living human being".

Thank you for your consideration.

Respectfully submitted,

Your name and title if any

Contact address and phone number/e-mail if not listed above

## **New Jersey AB 1390**

If enacted as currently drafted, this bill removes vital records (birth, marriage, death, fetal death and domestic partnership records) from public records and genealogists would no longer have access to vital records including genealogical copies that are currently permitted in New Jersey. It also would prevent anyone including genealogists from sharing, selling, reproducing or disclosing the information contained in the vital record. The penalties for violating this provision is a crime and would prevent the person/genealogist from applying for vital records in the future.

AB 1390 was passed by the Homeland Security and State Preparedness Committee on January 26. The earliest AB 1390 will be heard on the Assembly floor is February 9 therefore, your letters need to be sent now!

While this is an attempt to address identity theft, the instances of identity theft result not from someone obtaining a vital record, but from hacking into data bases such as banks, and Choice Point- all of which have been in the news the past several years.

### **New Jersey AB 1390**

To view the bill, go to [http://www.njleg.state.nj.us/2006/Bills/A1500/1390\\_I1.PDF](http://www.njleg.state.nj.us/2006/Bills/A1500/1390_I1.PDF) (You will need Adobe acrobat to read it- a free down load is available at <http://www.adobe.com/products/acrobat/readermain.html>).

It is best to write to your own state legislator about this in addition to the sponsors. The NJ Legislature does not post the legislators' e-mail addresses. You can find the name and address of your New Jersey state Legislator at <http://www.njleg.state.nj.us/> and click on members.

The sponsors of the bill are:

Assemblywoman Joan Quigley, office number 201-217-4614  
Hamilton Park Foundry  
242 Tenth St. Jersey City, NJ 07302

Assemblywoman Nellie Pou, office number 973-247-1555  
100 Hamilton Plaza Suite 1403-05 Paterson, NJ 07505

Assemblyman Mims Hackett, office Number 973-762-1886  
15 Village Plaza Suite 1B South Orange, NJ 07079

It is best to write the letter in your own words. Keep it to one page. The following model letter is presented for guidance on the issues, but your own phrasing will make it appear more meaningful.

## Model Letter on New Jersey AB 1390

Put your name, address, phone number and e-mail for response here

Date:

Re: **AB 1390**

Position: **Support if Amended**

Dear:

Note: (If you are a constituent of the legislator you are writing, include that in the first paragraph- such as I reside/work in XXX, New Jersey and you are my state assembly representative).

I am writing to you regarding AB 1390. We in the genealogical community are concerned about its impact as currently drafted. While we are supportive of the intent to protect the residents of New Jersey from improper usage of their personal information, we are distressed by the current bill's language that vital records would no longer be considered public records, thereby preventing genealogists access to vital records, which are critical to tracing family history.

Genealogy is one of the most popular and fastest growing hobbies. As genealogists and family historians, we want to assure continued access to copies of vital records including but not limited to birth, marriage and death records. To assure us our continued access, we respectfully encourage you to continue to authorize genealogical copies of vital records, i.e. informational copies that contain all the same data but do not have a state seal, thereby negating anyone using it for identification purposes. The New Jersey Department of Health and Senior Services currently provide for genealogical copies of vital records made accessible to genealogists: 80 years after a birth, 50 years after a marriage and 40 years after a death. We strongly encourage you to retain this provision in AB 1390 and permit continued access to vital records for our family history research.

One of the principle activities of genealogy is sharing information with relatives and other genealogists. Through sharing, we make previously unknown family connections based on the information contained in vital records. Therefore, we are very concerned with the provision that prevents genealogists from sharing, reproducing or transferring the newly obtained information from the vital records with family members and other potential family members. As currently drafted, this bill, prohibits sharing of documents, and allows utilization only by the initial researcher! We strongly encourage the deletion of this provision in Section 4 (d) (2) (c) in its entirety.

Thank you for your consideration.

Respectfully submitted,

Your name

Reply address:

If not listed above