

CHAPTER 52

(HB 225)

AN ACT relating to military discharge papers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 422.090 is amended to read as follows:

- (1) All discharge papers, ***including Form DD-214***, given, executed or delivered to any person in the military or naval service of the United States, which evidence his discharge from the service of the United States and show the unit or part of the department to which he was attached and from which he was discharged may be recorded in the office of the county clerk of the county in which the person discharged is a resident. Upon the presentation of such discharge papers the county clerk shall record them, without charge therefor, in a suitable book which he shall provide for that purpose.
- (2) A certified or attested copy of such recorded discharge is admissible evidence in all proceedings in which such discharge may come in question or in which it might be used as legal evidence of any fact.
- (3) It shall be the duty of each county clerk to index alphabetically the name of each person whose discharge papers are recorded as provided in this section and to keep such index as a permanent record in such office. ***This index shall be a public record which shall be disclosed to any member of the public.*** The index ~~shall not~~^{may} be bound with the book in which the discharge papers are recorded, ~~but shall~~^{or may} be a separate bound index~~, to be kept with the book in which the discharge papers are recorded~~.
- (4) ***Except as provided in subsections (5) and (6) of this section, discharge papers recorded with the county clerk shall not be public records subject to public disclosure.***
- (5) ***Upon presentation of proper identification, the following individuals may inspect discharge papers recorded with the county clerk, obtain a certified or attested copy of discharge papers from the county clerk, or both:***
 - (a) ***The veteran named in the discharge papers;***
 - (b) ***His or her spouse, widow or widower, child eighteen (18) years of age or older, parent, grandparent, or sibling eighteen (18) years of age or older;***
 - (c) ***Any person authorized by the veteran;***
 - (d) ***A guardian, limited guardian, conservator, or limited conservator of a disabled or partially disabled veteran named in the discharge papers;***
 - (e) ***An individual with power of attorney for the veteran;***
 - (f) ***A funeral director handling funeral arrangements for the veteran; and***
 - (g) ***The personal representative of the veteran's estate.***
- (6) (a) ***Discharge papers shall be subject to discovery under the federal and Kentucky rules of criminal and civil procedure.***
 - (b) ***The county clerk shall comply with any proper court order pertaining to discharge papers.***

- (7) *Upon presentation of proper identification, a veteran may ask the county clerk to destroy that veteran's discharge papers. Within fifteen (15) days of receiving the request, the county clerk shall destroy all copies of the discharge papers in whatever form they are being held.*
- (8) *With regard to military discharge papers, including Form DD-214, filed before the effective date of this Act, if a county clerk has commingled such discharge papers with documents unrelated to military discharge, that county clerk, in handling such discharge papers, may comply with the provisions in subsections (4), (5), and (6) of this section as well as the provision in subsection (3) of this section that the index shall not be bound with the book in which the discharge papers are recorded but shall be a separate bound index.*

Approved April 2, 2004