ENGROSSED HOUSE
BILL NO. 2216 By: May of the House

and

Dossett of the Senate

An Act relating to public health and safety; establishing procedure for a judicial record of death; limiting qualifications for procedure; providing for filing of verified petition in district court; listing minimum contents of verified petition; directing court clerk to assign a probate number; requiring notice of verified petition filing; permitting court to enter certain order; allowing for filing of order with the State Department of Health; requiring Department to issue order in the same manner as death certificate; declaring validity of certain order to satisfy death certificate requirements; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-315.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. If a death certificate is required to settle a property or financial interest for a person who has allegedly died in the state twenty-five (25) years ago or longer, and the following determinations have been made:

1. The State Registrar of Vital Records has confirmed that a death certificate is not on file with the State Department of Health;

2. The State Registrar of Vital Records has determined that all due diligence has been performed and the requirement of Section 1-317 of Title 63 of the Oklahoma Statutes for filing a death certificate cannot be met; and

3. The State Registrar of Vital Records has determined that all due diligence has been performed and the requirements of Section 1-314 of Title 63 of the Oklahoma Statutes for the filing of a delayed death certificate cannot be met,

then a verified petition may be filed with the district court of the county where the death allegedly occurred for an order establishing a judicial record of death.

B. The verified petition shall, at a minimum, contain the following:

1. The full legal name of the alleged decedent;

2. The date and place of birth of the decedent;

3. The age of the decedent;

4. The date and place of the death of the decedent;

5. The property or financial interest to be resolved;

6. The determinations of the State Registrar of Vital Records as required in paragraphs 2 and 3 of subsection A of this section; and

7. Other facts as deemed pertinent by the court, including, but not limited to, the names of the parents of the decedent or the name of the spouse of the decedent.

C. Upon the filing of the verified petition, the court clerk of the county where the petition is filed shall assign the petition a number in the probate files of the county.

D. Notice of the verified petition shall be given to the State Department of Health and published once in a newspaper of general circulation in the county where the verified petition is filed.

E. Based on the verified petition; all the evidence in the possession of the applicant, which may consist of personal testimony, affidavits or records; and determinations of the State Registrar of Vital Records as required in paragraphs 2 and 3 of subsection A of this section, the court may enter an order establishing:

1. The full legal name of the decedent;

2. The date and place of birth of the decedent;

3. The age of the decedent;

4. The date and place where the death occurred;

5. The property or financial interest to be resolved; and

6. Other facts as deemed pertinent by the court and as set forth in the verified petition.

The order shall be final and conclusive of all the adjudged facts.

F. A certified copy of the order may be filed with the State Department of Health. If filed with the Department, the Department shall issue a certified copy of the order in the same manner as death certificates are issued.

G. Provided the State Registrar of Vital Records has made the determinations required in paragraphs 2 and 3 of subsection A of this section, then a certified copy of the order issued by the Department shall satisfy any and all requirements set forth in any statute requiring a death certificate or order of any court requiring the issuance of a death certificate.

SECTION 2. This act shall become effective November 1, 2019.

Passed the House of Representatives the 5th day of March, 2019.

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Presiding Officer of the House of Representatives

Passed the Senate the ___ day of _____, 2019.

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Presiding Officer of the Senate