

1 **SENATE FLOOR VERSION**

2 March 19, 2019

3 **AS AMENDED**

4 ENGROSSED HOUSE

5 BILL NO. 2216

6 By: May of the House

7 and

8 Daniels of the Senate

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

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

24 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 1. The State Registrar of Vital **Statistics** has confirmed that a
2 death certificate is not on file with the State Department of
3 Health;

4 2. The State Registrar of Vital **Statistics** has determined that
5 all due diligence has been performed and the requirement of Section
6 1-317 of Title 63 of the Oklahoma Statutes for filing a death
7 certificate cannot be met; and

8 3. The State Registrar of Vital **Statistics** has determined that
9 all due diligence has been performed and the requirements of Section
10 1-314 of Title 63 of the Oklahoma Statutes for the filing of a
11 delayed death certificate cannot be met,
12 then a verified petition may be filed with the district court of the
13 county where the death allegedly occurred for an order establishing
14 a judicial record of death.

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

17 1. The full legal name of the alleged decedent;

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

19 3. The age of the decedent;

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

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

22 6. The determinations of the State Registrar of Vital

23 **Statistics** as required in paragraphs 2 and 3 of subsection A of this
24 section; and

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

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

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

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

- 16 1. The full legal name of the decedent;
- 17 2. The date and place of birth of the decedent;
- 18 3. The age of the decedent;
- 19 4. The date and place where the death occurred;
- 20 5. The property or financial interest to be resolved; and
- 21 6. Other facts as deemed pertinent by the court and as set
22 forth in the verified petition.

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

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

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

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

12 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
13 March 19, 2019 - DO PASS AS AMENDED
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