

1 HB204
2 116098-1
3 By Representatives Ball, Wood and McCutcheon
4 RFD: County and Municipal Government
5 First Read: 12-JAN-10

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, a person recording
9 certain documents with the probate office is
10 required to redact Social Security numbers and
11 birthdates on certain documents.

12 Under existing law, the judge of probate is
13 authorized to redact, remove, or otherwise make
14 illegible a Social Security number or birthdate
15 appearing on certain recorded documents relating to
16 real or personal property.

17 This bill would require the person recording
18 documents with the probate court to redact Social
19 Security numbers and birthdates on public documents
20 filed with the court.

21 This bill would authorize the probate judge
22 to redact, remove, or otherwise make illegible a
23 Social Security number or birthdate appearing on
24 public records filed with the probate court.

25
26 A BILL
27 TO BE ENTITLED

1 AN ACT

2
3 To amend Section 12-13-22, Code of Alabama 1975; to
4 require that a person recording certain documents with the
5 probate office redact, remove, or otherwise make illegible a
6 Social Security number or birthdate appearing on marriage
7 licenses or other documents filed as a public record; to
8 authorize the judge of probate to redact, remove, or otherwise
9 make illegible a Social Security number or birthdate appearing
10 on marriage licenses or other documents filed as a public
11 record.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Section 12-13-22, Code of Alabama 1975,
14 is amended to read as follows:

15 "§12-13-22.

16 "(a) Before recording any document, with the
17 exception of federal and state tax liens, as public record
18 with the probate court that conveys any interest in real or
19 personal property or purports to encumber an interest in real
20 or personal property, or any other document, that is filed as
21 a public record in the probate court, the person submitting
22 the document for recordation shall redact, remove, or
23 otherwise make illegible any Social Security number appearing
24 in the document. Removal of the Social Security number shall
25 be a condition to filing the document.

26 "(b) Before recording any document, with the
27 exception of federal and state tax liens, as public record

1 with the probate court that conveys any interest in real or
2 personal property or purports to encumber an interest in real
3 or personal property, the person submitting the document for
4 recordation shall redact, remove, or otherwise make illegible
5 any birthdate if it appears in the document in connection with
6 a person's name unless the birthdate is required by law to be
7 included in the document or is a necessary part of the
8 document.

9 "(c) The judge of probate, in accordance with this
10 section, may redact, remove, or otherwise make illegible a
11 Social Security number or birthdate appearing in connection
12 with a person's name that appears in any document, with the
13 exception of federal and state tax liens, that conveys any
14 interest in real or personal property or purports to encumber
15 an interest in real or personal property and is recorded in
16 the probate court, or any other document that is filed as a
17 public record in the probate court.

18 "The judge of probate may make such records
19 available to the public in electronic format and publish such
20 records on the Internet.

21 "(d) To the extent federal law conflicts with this
22 section, an instrument shall contain the information required
23 by and shall be filed in a manner that complies with federal
24 law.

25 "(e) The failure to comply with the requirements of
26 this section shall not invalidate or adversely affect any

1 document which is recorded even though that document does not
2 comply with the requirements of this section."

3 Section 2. This act shall become effective
4 immediately following its passage and approval by the
5 Governor, or its otherwise becoming law.