

## LEGISLATIVE BILL 72

Approved by the Governor February 18, 1977

Introduced by S. Marsh, 29

AN ACT relating to public health and welfare; to provide certain criteria for recording information on birth certificates; to provide penalties; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. The information pertaining to the name of an infant born in this state and reported on a birth certificate, filled out and filed pursuant to sections 71-601 to 71-648, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, shall comply with the following:

(1) If the mother was married at the time of either conception or birth of the child, or at any time between conception and birth, the name of such mother's husband shall be entered on the certificate as the father of the child and the surname of the child shall be entered on the certificate as being (a) the same as that of the husband, unless paternity has been determined otherwise by a court of competent jurisdiction, (b) the surname of the mother, (c) the maiden surname of the mother, or (d) the hyphenated surname of both parents;

(2) If the mother was not married at the time of either conception or birth of the child, or at any time between conception and birth, the name of the father shall not be entered on the certificate without the written consent of the mother and the person named as the father, in which case and upon the written request of both such parents the surname of the child shall be that of the father or the hyphenated surname of both parents;

(3) In any case in which paternity of a child is determined by a court of competent jurisdiction, the name of the father shall be entered on the certificate in accordance with the finding of the court and the surname of the child may be entered on the certificate the same as the surname of the father;

(4) In all other cases, the surname of the child shall be the legal surname of the mother; and

(5) If the father is not named on the certificate, no other information about the father shall be entered thereon.

Sec. 2. (1) Any person who (a) willfully and knowingly makes any false statement in a certificate, record, or report required to be filed pursuant to sections 71-601 to 71-648, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, or in an application for an amendment thereof or in an application for a certified copy of a vital record, or willfully and knowingly supplies false information intending that such information be used in the preparation of any such report, record, or certificate, or amendment thereof; (b) without lawful authority and with the intent to deceive, makes, counterfeits, alters, amends, or mutilates any certificate, record, or report required to be filed pursuant to sections 71-601 to 71-648, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, or a certified copy of such certificate, record, or report; (c) willfully and knowingly obtains, possesses, uses, sells, furnishes, or attempts to obtain, possess, use, sell, or furnish to another, for any purpose of deception, any certificate, record, report, or certified copy thereof so made, counterfeited, altered, amended, or mutilated; (d) with the intention to deceive, willfully and knowingly obtains, possesses, uses, sells, furnishes, or attempts to obtain, possess, use, sell, or furnish to another any certificate of birth or certified copy of a certificate of birth knowing that such certificate or certified copy was issued upon a certificate which is false in whole or in part or which relates to the birth of another person, whether living or deceased; (e) willfully and knowingly furnishes or possesses a certificate of birth or certified copy of a certificate of birth with the knowledge or intention that it be used for the purposes of deception by a person other than the person to whom the certificate of birth relates; or (f) without lawful authority possesses any certificate, record, or report, required by sections 71-601 to 71-648, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, or a copy or certified copy of such certificate, record, or report knowing same to have been stolen or otherwise unlawfully obtained, shall be guilty of a felony and shall, upon conviction thereof, be punished by a fine of not more than ten thousand dollars or by imprisonment in the Nebraska Penal and Correctional Complex for not more than five years, or by both such fine and imprisonment.

(2) Any person who (a) willfully and knowingly refuses to provide information required by sections 71-601 to 71-648, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, or regulations adopted under this act; or (b) willfully and knowingly neglects or violates any of the provisions of sections 71-601 to 71-648, Reissue Revised Statutes of Nebraska, 1943, and



amendments thereto, or refuses to perform any of the duties imposed upon him thereunder shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not more than one thousand dollars or by imprisonment in the county jail not more than one year, or by both such fine and imprisonment.

(3) The Department of Health may include on any appropriate certificate or document a statement warning of the consequences for any violation of this section.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.