

2019 -- S 0837

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO MILITARY AFFAIRS AND DEFENSE -- RECORDATION OF
HONORABLE DISCHARGES

Introduced By: Senators Euer, McCaffrey, Lynch Prata, Murray, and Goldin

Date Introduced: April 30, 2019

Referred To: Senate Special Legislation and Veterans Affairs

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 30-18-1 and 30-18-2 of the General Laws in Chapter 30-18
2 entitled, "Recordation of Honorable Discharges", are hereby amended to read as follows:

3 **30-18-1. Recordation without fee -- Sufficiency of certified copy.**

4 A certificate of the honorable discharge of any soldier, sailor, airperson, or marine from
5 the military, naval, air, or marine service of the United States, and in case of a sailor to include
6 notice of separation from the United States naval service, form 553 and revisions thereto, may be
7 recorded in the office of the town clerk or the city clerk, except in the city of Providence, where
8 the discharge and separation notice shall be recorded in the office of the recorder of deeds. It shall
9 be the duty of the town clerk or the city clerk, or the recorder of deeds in the city of Providence,
10 to record any certificate and separation notice upon presentation thereof without the payment of
11 any fee. For any purpose for which an original honorable discharge and separation notice may be
12 required in this state, a certified copy of the record, [or a form issued by the office of veterans'](#)
13 [affairs pursuant to § 30-18-4](#) shall be deemed sufficient and shall be accepted in lieu thereof.

14 **30-18-2. Sufficiency of reference to recorded discharge.**

15 Any person who has served in the military, naval, or air service of the United States in
16 the Spanish-American war, the insurrection in the Philippines, the China relief expedition, World
17 War I, World War II, or any subsequent war in which the United States may be engaged, who has
18 once filed evidence in a state, city, or town administrative office in this state that he or she has

1 been honorably discharged from service or had the characterization of his or her discharge
2 changed under the provisions of § 30-18-3, either in accordance with the requirements of § 44-3-
3 4, or in accordance with the requirements of any other general or public law of this state, shall not
4 be again required to show his or her discharge paper in making an application for tax exemption,
5 licensing, examination, registration, aid, or relief, or in any other pertinent relationship in
6 connection with any general or public law of this state, where evidence of honorable discharge
7 from military, naval, or air service is required to be filed, but may refer any inquirer for
8 verification of discharge and former filing of evidence to the office of veterans' affairs, or other
9 office or official where or with whom the discharge has been once recorded, which evidence shall
10 stand so long as his or her legal residence remains in Rhode Island.

11 SECTION 2. Chapter 30-18 of the General Laws entitled "Recordation of Honorable
12 Discharges", is hereby amended by adding thereto the following section:

13 **30-18-3. Change in treatment of certain discharges.**

14 (a) For purposes of this chapter, all former members of the armed forces who were
15 separated from the service with a general or other than honorable discharge due solely to their
16 sexual orientation, or gender identity or expression, may petition the office of veterans' affairs on
17 forms and conditions prescribed under § 30-18-4, to have his or her discharge recorded as
18 honorable.

19 (1) Upon a determination by the office of veterans' affairs that the member was separated
20 from the armed forces with a general or other than honorable discharge due solely to their sexual
21 orientation, or gender identity or expression, the director of the office of veterans' affairs shall
22 provide a form to be recorded pursuant to §§ 30-18-1 and 30-18-2 certifying that the member's
23 discharge is to be treated as honorable.

24 (2) Persons who have the characterization of their discharge changed under this section
25 shall be afforded the same rights, privileges and benefits authorized by general or public law to
26 service members who were honorably discharged.

27 **30-18-4. Powers of director.**

28 (a) The director of the office of veterans' affairs shall promulgate any rules, regulations
29 and forms as shall be necessary for the full and proper implementation of this chapter, including
30 but not limited to:

31 (1) Informing former members of the armed services that they may be entitled to benefits
32 and privileges that were previously denied;

33 (2) Recording all military discharges;

34 (3) Verifying the characterization of the discharge for the purpose of benefits and

1 privileges authorized by the general and public laws; and
2 (4) Publishing and distributing materials to all state, municipal, and quasi-public entities
3 highlighting the changes made to this chapter and the effect those changes will have to the
4 application of the general and public laws.

5 (b) The regulations shall be adopted only in accordance with the procedures established
6 by chapter 35 of title 42.

7 (c) The director of the office of veterans' affairs shall also be empowered to enforce and
8 administer the provisions of this chapter with regard to ensuring that each state or quasi-public
9 agency and municipality is in compliance with this chapter.

10 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO MILITARY AFFAIRS AND DEFENSE -- RECORDATION OF
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1 This act would provide a petition process to have a discharge from service recorded as
2 honorable for members of the armed services separated from the service with a general or other
3 than honorable discharge due solely to their sexual orientation, or gender identity or expression.

4 This act would take effect upon passage.

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