House Engrossed

FILED
JANICE K. BREWER
SECRETARY OF STATE

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

CHAPTER 20

HOUSE BILL 2106

AN ACT

REPEALING SECTION 36-338, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 3, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 36-338; RELATING TO VITAL RECORDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Repeal

Section 36-338, Arizona Revised Statutes, is repealed.

Sec. 2. Title 36, chapter 3, article 3, Arizona Revised Statutes, is amended by adding a new section 36-338, to read:

36-338. Certificates of foreign birth for adoptees

A. THE STATE REGISTRAR SHALL CREATE AND REGISTER A STATE OF ARIZONA CERTIFICATE OF FOREIGN BIRTH FOR AN ADOPTED PERSON WHO SATISFIES ALL OF THE FOLLOWING:

1. WAS BORN IN A FOREIGN COUNTRY.

2. IS NOT A UNITED STATES CITIZEN.

3. HAS GONE THROUGH A COMPLETED ADOPTION PROCESS IN A FOREIGN COUNTRY BEFORE COMING TO THE UNITED STATES.

4. HAS AN IR-3 STAMPED PASSPORT.

B. BEFORE THE STATE REGISTRAR CREATES AND REGISTERS A CERTIFICATE OF FOREIGN BIRTH, EITHER A STATE COURT, AN ADOPTIVE PARENT OR AN ADULT ADOPTED PERSON MUST SUBMIT THE FOLLOWING:

1. AN ADOPTION DECREE OR OTHER OFFICIAL DOCUMENT FINALIZING THE ADOPTION FROM THE COUNTRY OF THE ADOPTED PERSON'S BIRTH THAT HAS BEEN TRANSLATED INTO ENGLISH.

2. A COPY OF THE PASSPORT PAGE SHOWING THE IR-3 STAMP.

C. BEFORE THE STATE REGISTRAR CREATES AND REGISTERS A CERTIFICATE OF FOREIGN BIRTH FOR A PARENT OF AN ADOPTED CHILD WHO HAS BEEN ISSUED AN IR-3 VISA AND WHO HAS COMPLETED A READOPTION PROCESS IN A COURT IN THIS STATE, THE PARENT MUST PROVIDE EITHER OF THE FOLLOWING:

1. AN ORIGINAL STATE OF ARIZONA CERTIFICATE OF ADOPTION ISSUED BY A COURT IN THIS STATE.

2. A CERTIFIED COURT ORDER OF ADOPTION ISSUED BY A COURT IN THIS STATE AND EITHER A BIRTH CERTIFICATE FROM THE COUNTRY OF THE ADOPTED PERSON'S BIRTH THAT HAS BEEN TRANSLATED INTO ENGLISH OR ANY OTHER WRITTEN DOCUMENTATION THAT ESTABLISHES THE DATE AND PLACE OF THE ADOPTED PERSON'S BIRTH AND THAT HAS BEEN TRANSLATED INTO ENGLISH.

D. IF THE ADOPTED PERSON DOES NOT HAVE AN IR-3 STAMPED PASSPORT, BEFORE THE STATE REGISTRAR CREATES AND REGISTERS A CERTIFICATE PURSUANT TO THIS SECTION AN ADOPTIVE PARENT OR AN ADULT ADOPTED PERSON MUST SUBMIT EITHER:

1. AN ORIGINAL STATE OF ARIZONA CERTIFICATE OF ADOPTION ISSUED BY A COURT IN THIS STATE.

2. A CERTIFIED COURT ORDER OF ADOPTION ISSUED BY A COURT IN THIS STATE AND EITHER A BIRTH CERTIFICATE FROM THE COUNTRY OF THE ADOPTED PERSON'S BIRTH THAT HAS BEEN TRANSLATED INTO ENGLISH OR ANY OTHER WRITTEN DOCUMENTATION THAT ESTABLISHES THE DATE AND PLACE OF THE ADOPTED PERSON'S BIRTH AND THAT HAS BEEN TRANSLATED INTO ENGLISH.

3. IF THE PERSON WAS NOT ADOPTED IN THIS STATE, A COURT ORDER ISSUED IN THIS STATE THAT RECOGNIZES THE ADOPTION PURSUANT TO SECTION 36-336.

E. THE STATE REGISTRAR SHALL NOT CREATE AND REGISTER A STATE OF ARIZONA CERTIFICATE OF FOREIGN BIRTH FOR AN ADOPTED PERSON WHO WAS BORN IN A FOREIGN COUNTRY AND WHO WAS A UNITED STATES CITIZEN AT THE TIME OF BIRTH. THE STATE REGISTRAR SHALL INFORM THE ADOPTIVE PARENTS OR THE ADULT ADOPTED PERSON THAT A BIRTH CERTIFICATE MAY BE OBTAINED THROUGH THE UNITED STATES DEPARTMENT OF STATE.

F. A STATE OF ARIZONA CERTIFICATE OF FOREIGN BIRTH FOR AN ADOPTED PERSON MUST SHOW THE COUNTRY OF BIRTH AND STATE THAT THE CERTIFICATE IS NOT EVIDENCE OF UNITED STATES CITIZENSHIP FOR THE PERSON FOR WHOM IT IS ISSUED.

Sec. 3. Emergency

This act is an emergency measure that is necessary to preserve the public peace, health or safety and is operative immediately as provided by law.

APPROVED BY THE GOVERNOR MARCH 29, 2006.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 29, 2006.