
DIGEST

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HB 716 Original

2015 Regular Session

Hodges

Abstract: Provides requirements for the issuance of a Louisiana marriage license for residents of this state, other states of the United States, and for persons from foreign countries.

Present law provides for requirements for the issuance of a Louisiana marriage license.

Present law provides that an application for a marriage license must be made on a form provided by the state registrar of vital records.

Proposed law retains present law but provides that the form that is used is provided for in proposed law.

Present law provides, in order to obtain a marriage license, the application must contain the certain information.

Proposed law retains present law but provides that the application must be in writing and must be sworn to and signed by the parties.

Present law provides that the application must contain that date and hour of the application, the full name, residence, race, and age of each party, the names of the parents of each party, the number of former marriages of each party, and whether divorced or not as well as each party's social security number. Present law further provides that the state registrar of vital records shall maintain confidentiality of social security numbers.

Proposed law retains present law but clarifies that each party's social security number is to be provided on the application if both parties were born in the state of Louisiana or another state or territory of the United States or are naturalized citizens of the United States.

Proposed law provides that if a party does not have a social security number issued by the U.S. Social Security Administration because the party is not a citizen, a valid, unexpired passport number issued from the United States Citizenship and Immigration Service must be included on the application verifying the country of origin.

Proposed law provides that if either party does not have a social security number or a valid, unexpired passport, the name of the judge and court granting the order waiving the requirement must be listed on the application.

Present law provides that the application must list the number of former marriages and whether divorced or not.

Proposed law retains present law if either or both of the parties were previously married, all of the following must be listed for each previous marriage:

- (1) The parish where the marriage license was issued if the party was previously married in Louisiana.
- (2) The parish where the judgment of divorce was granted if the party was previously divorced in Louisiana.
- (3) The state, territory, country, province or locale where the marriage license was issued if the marriage took place outside the state of Louisiana.
- (4) The state, territory, country, province or locale where the judgment of divorce was granted if the judgment of divorce was granted outside the state of Louisiana.
- (5) The parish, county, territory, country, province or locale where the death certificate was issued if the former spouse is deceased.

Present law provides that applicant must verify the application by affidavit.

Proposed law retains present law but provides that the affidavit shall acknowledge that each party is free to marry pursuant to Louisiana law. Proposed law retains present law but further provides that the affidavit shall require each party to verify under oath that the information contained in the application is true and correct.

Present law provides that the filing false public records is the filing or depositing for record in any public office or with any public official, or the maintaining as required by law, regulation, or rule, with knowledge of its falsity, in any document containing a false statement or false representation of a material fact. Present law provides that whoever commits the crime of filing false public records shall be imprisoned for not more than five years with or without hard labor or shall be fined not more than \$5,000, or both.

Proposed law retains present law but provides that the application of marriage shall include an acknowledgment that each party understands that falsification of the application shall constitute the crime of filing false public records.

Present law provides that an application for a marriage license shall be accompanied by a certified copy of each party's birth certificate.

Proposed law retains present law but provides that if the birth certificate is in a language other than English, the birth certificate shall be interpreted in writing in English.

Proposed law provides that a valid and unexpired driver's license, government issued identification card, or a passport must be produced in order to obtain a marriage license.

Present law provides that it shall be unlawful for any officer authorized to issue a marriage license in this state to issue a license to any male or female unless both parties first present and file with such officer a certified copy of their original birth certificate. Present law further provides that a photostatic or photographic reproduction of the certified copy of the birth certificate may be filed with the officer.

Proposed law retains present law but requires that a photostatic or photographic reproduction of the certified copy of the birth certificate shall be filed with the officer.

Present law provides that a person born in Louisiana may submit a certified copy of his birth certificate with the marriage application. Present law further provides that a short-form birth certification card shall be acceptable as a certified copy of a birth certificate.

Proposed law retains present law but requires a person born in Louisiana to submit a certified copy of his birth certificate with the application.

Present law provides that a person born outside Louisiana may submit a copy of his birth certificate under the raised seal or stamp of the vital statistics registration authority of his place of birth.

Proposed law retains present law but requires that if the applicant's birth was outside Louisiana but in another state of the U.S., the applicant shall submit a copy of his birth certificate under the raised seal or stamp of the state's vital statistics registration authority of his place of birth.

Proposed law retains present law but requires if the applicant is born outside of the United States, the applicant shall submit all of the following:

- (1) A copy of the person's birth certificate under the raised seal or stamp of the vital statistics registration authority of the person's place of birth.
- (2) If the birth certificate is not printed in English, the party shall obtain a copy translated in English.
- (3) A certified copy of a passport issued by the U.S.C.I.S. verifying that the individual is in the country lawfully.

Present law provides that certified copy of the birth certificate or letter issued in lieu thereof shall be retained by the official recorder of the marriage for a minimum period of 60 days.

Proposed law retains present law but requires that the order which provides that the non-English birth certificate be translated into English be also held for 60 days.

Present law provides that if there is no birth certificate on file for the applicant, a letter signed by the

proper registration authority, under his raised seal or stamp, must be submitted in lieu of a birth certificate. Present law provides that the letter must state that a thorough search was made and that no birth record was located for the applicant.

Proposed law retains present law but further provides the following:

- (1) If the applicant was born in the state of Louisiana and no birth certificate is on file for an applicant, a letter signed by the proper registration authority which is the state registrar of vital records, under his raised seal or stamp, must be submitted in lieu of a birth certificate.
- (2) If the applicant was born in a state or territory of the U.S. other than the state of Louisiana and no birth certificate is on file for the applicant in that state, a letter signed by the proper registration authority for that state, under his raised seal or stamp, must be submitted in lieu of a birth certificate. The letter must state that a thorough search was made and that no birth record was located for the applicant.
- (3) If the applicant was born in a country other than the U.S. and no birth certificate is on file for the applicant in that state, a letter signed by the proper registration authority for that state, under his raised seal or stamp, must be submitted in lieu of a birth certificate. The letter must state that a thorough search was made and that no birth record was located for the applicant.

Proposed law provides that the letter issued by the state registrar of vital records or the issuing authority in another state or country shall be filed with the judge who conducts the hearing, if the requirement of the birth certificate is to be waived.

Present law provides that the officer issuing the marriage license may demand other proof of birth facts.

Proposed law provides that the judge issuing the order waiving the birth certificate in order to obtain the marriage license shall demand other proof of birth facts.

Present law provides that in the event of extenuating circumstances, and after finding that the parties have complied with all other requirements, a judge of the Orleans Parish City Court, a family court judge, a juvenile court judge, or any district court judge of a parish may order an issuing official within the territorial jurisdiction of his court to issue a marriage license without the applicant submitting a birth certificate. Present law provides that in the event of extenuating circumstances, and after finding that the parties have complied with all other requirements, a justice of the peace or city court judge may order an issuing official within the parish where his court is situated to issue a marriage license without the applicant submitting a birth certificate. The order need not state the reasons.

Proposed law retains present law but provides that the order waiving the requirement that a birth certificate be necessary to obtain a license for marriage be for good cause shown. Proposed law further provides that a letter obtained from the Louisiana state registrar of vital records or the proper registration authority stating that the birth certificate could not be found. Proposed law provides that

the applicant must offer competent evidence that the person was born in the state of Louisiana in a state or territory of the United States other than the state of Louisiana. Proposed law provides that the order shall state the reasons for waiving the requirement that a birth certificate be provided.

Present law provides that in the event of extenuating circumstances, and after finding that the parties have complied with all other requirements, a retired justice of the peace authorized to perform marriage ceremonies may order an issuing official within the territorial limits provided by to issue a marriage license without the applicant submitting a birth certificate. Present law further provides the order need not state the reasons for waiving the requirement for the birth certificate.

Proposed law provides that in the event that the birth certificate is not printed in English, a judge of the Orleans Parish City Court, a family court judge, a juvenile court judge, or any district court judge of a parish may order that the birth certificate be translated in English pursuant to present law.

Proposed law provides that the legislature finds all of the following:

- (1) The reliability and accuracy of marriage records is a fundamental concern to the people of Louisiana.
- (2) The state has a fundamental interest in preventing and deterring fraudulent marriages.
- (3) The most effective way to curb fraud in the area of marriage licenses is to require accurate and verifiable documents in order to obtain a marriage license and to require the parties to swear or affirm, under penalty of law, as to the accuracy of the information on the application for marriage.

Effective August 1, 2015.

(Amends R.S. 9:223, 224(A)(intro. para.), (4), and (6) and (B), and 225(A)(1) and (B) and 226-228; Adds R.S. 9:224(A)(7) and 225(A)(4))