

2015 Regular Session

HOUSE BILL NO. 836 (Substitute for House Bill No. 716 by Representative Hodges)

BY REPRESENTATIVE HODGES

1 AN ACT

2 To amend and reenact R.S. 9:223, 224(A)(introductory paragraph), (4), and (6) and (B), and
3 225(A)(1) and (B), 226, 227, and 228 and to enact R.S. 9:224(A)(7) and 225(A)(4),
4 relative to marriage licenses; to provide for the application for a marriage license; to
5 provide for the application form; to provide for required information; to provide for
6 required documentation; to provide with respect to the use of birth certificates in the
7 process of applying for a marriage license; to provide for documentation in lieu of
8 a birth certificate; to provide for court orders; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 9:223, 224(A)(introductory paragraph), (4), and (6) and (B), and
11 225(A)(1) and (B), 226, 227, and 228 are hereby amended and reenacted and R.S.
12 9:224(A)(7) and 225(A)(4) are hereby enacted read as follows:

13 §223. Form

14 A. An application for a marriage license ~~must~~ shall be made on a form
15 provided ~~by the state registrar of vital records~~ by Subsection B of this Section.

16 B. The application form shall be as follows:

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Application for Marriage				
_____ (Parish), State of Louisiana				
Date of Application:				
Hour of Application:				
GROOM	Last Name of Groom	First Name of Groom	Middle/Second Name of Groom	
	Address	Is residence inside city limits? <input type="checkbox"/> Yes <input type="checkbox"/> No	Parish/County	State
	Race	Date of Birth (month-day-year)	State of Birth	
	Father's Name	State of Birth	Mother's Maiden Name	State of Birth
BRIDE	Last Name of Bride	First Name of Bride	Middle/Second Name of Bride	Maiden Name of Bride
	Address	Is residence inside city limits? <input type="checkbox"/> Yes <input type="checkbox"/> No	Parish/County	State
	Race	Date of Birth (month-day-year)	State of Birth	
	Father's Name	State of Birth	Mother's Maiden Name	State of Birth
Covenant Marriage	Covenant Marriage <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, complete the following: We, _____ and _____ do hereby declare our intent to contract a Covenant Marriage and, accordingly, have executed a declaration of intent attached hereto.			
Groom	Has the groom been formerly married? _____ How many times? _____		Are you divorced _____ ?	
Bride	Has the bride been formerly married? _____ How many times? _____		Are you divorced _____ ?	
SSN	Grooms's Social Security Number		Bride's Social Security Number	

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I _____ (print name of groom) do swear or affirm that the information contained in this application for marriage is true and correct. I further swear or affirm that this is my _____ (1st, 2nd, etc. number) marriage but that I am not currently married to anyone else, and that I am free to marry under the laws of the state of Louisiana. I further understand and acknowledge that giving any false information or false statement in this application of marriage shall constitute the crime of filing a false public record in violation of the Louisiana Criminal Code (R.S. 14:133).

Signature of Groom

Sworn to and subscribed before me this _____ day of _____, 20__.

_____ Notary Public/Deputy Clerk/Deputy Registrar

I _____ (print name of bride) do swear or affirm that the information contained in this application for marriage is true and correct. I further swear or affirm that this is my _____ (1st, 2nd, etc. number) marriage but that I am not currently married to anyone else, and that I am free to marry under the laws of the state of Louisiana. I further understand and acknowledge that giving any false information or false statement in this application of marriage shall constitute the crime of filing a false public record in violation of the Louisiana Criminal Code (R.S. 14:133).

Signature of Bride

Sworn to and subscribed before me this _____ day of _____, 20__.

_____ Notary Public/Deputy Clerk/Deputy Registrar

§224. ~~Same~~ Application; information required

A. ~~An~~ The application for a marriage license ~~must include~~ provided by R.S. 9:223, and containing all of the following information, shall be sworn to and signed by both parties before a notary public, deputy clerk, or deputy registrar:

* * *

(4) The number of former marriages of each party, and whether divorced or not.

* * *

(6) Each party's social security number, if both parties were born in any state or territory of the United States ~~or a statement by the applicable party that no social security number has been issued to him~~ are naturalized citizens of the United States.

(a) If a party does not have a social security number issued by the United States Social Security Administration because the party is not a citizen or a lawful

1 permanent resident of the United States, the party shall present either of the
2 following:

3 (i) A valid and unexpired passport from the country of his birth.

4 (ii) An unexpired visa accompanied by a Form I-94 issued by the United
5 States.

6 (b) The state registrar of vital records and the officiant shall maintain
7 confidentiality of social security numbers. Notwithstanding the provisions of R.S.
8 44:1 et seq. the clerk of court shall maintain the confidentiality of a party's social
9 security number in an application for a marriage license provided a request is made
10 to the clerk in writing by the party at the time of application.

11 (7) An acknowledgment that each party is free to marry pursuant to
12 Louisiana law, that the information contained in the application is true and correct,
13 and that each party understands that falsification of the application shall constitute
14 the filing of false public records pursuant to R.S. 14:133.

15 ~~B. The applicant must verify the information to the issuing official by~~
16 ~~affidavit.~~

17 (1) Both applicants are not required to execute the application at the same
18 time, provided that each applicant executes the application before a notary public as
19 required by R.S. 9:224(A).

20 (2) A member of the armed forces of the United States shall not be required
21 to sign the application required by Subsection A of this Section if the co-applicant
22 attaches a copy of the military identification card of the member. If both applicants
23 are members of the armed forces of the United States, only one applicant shall be
24 required to sign the application, but that applicant shall attach a copy of the military
25 identification card of the co-applicant not signing the application.

26 (3) In the event of extenuating circumstances, and after a finding that the
27 parties have complied with all other requirements, for good cause shown, a judge of
28 the First or Second City Courts of the city of New Orleans, a family court judge, a
29 juvenile court judge, a district court judge, a city court judge, or a justice of the peace
30 may order an issuing official within the territorial jurisdiction of his court to issue

1 a marriage license with the notarized signature of only one of the applicants. The
 2 written order shall be attached to the marriage application.

3 * * *

4 §225. ~~Same~~ Documents required; attachments

5 A. An application for a marriage license shall be accompanied by:

6 (1)(a) A certified copy of each party's birth certificate as provided by R.S.
 7 9:226.

8 (b) If the applicant does not have a birth certificate, the applicant shall obtain
 9 an order signed by a judge waiving the requirement pursuant to R.S. 9:228.

10 * * *

11 (4) A valid and unexpired driver's license, a government issued identification
 12 card, or a valid and unexpired passport from the country of his birth or an unexpired
 13 visa accompanied by Form I-94 as issued by the United States.

14 B.(1) It shall be unlawful for any officer authorized to issue a marriage
 15 license in this state to issue a license to any male or female unless both parties first
 16 present and file with ~~such~~ the officer a certified copy of their original birth
 17 certificate.

18 (2) A photostatic or photographic reproduction of the certified copy of the
 19 birth certificate ~~may~~ shall be filed with the officer.

20 §226. Certified copy of birth certificate

21 A. A person born in Louisiana ~~may~~ shall submit a certified copy of his birth
 22 certificate. A short-form birth certification card shall be acceptable as a certified
 23 copy of a birth certificate.

24 B. A person born ~~outside of Louisiana may~~ in a state or territory of the
 25 United States other than Louisiana shall submit a copy of his birth certificate under
 26 the raised seal or stamp of the vital statistics registration authority of his place of
 27 birth.

28 C. A person born outside of the United States or territory of the United States
 29 shall submit a birth certificate under the seal of the United States or shall submit all
 30 of the following:

1 (1)(a) A copy of the person's birth certificate under the raised seal or stamp
 2 of the vital statistics registration authority of the person's place of birth.

3 (b) If the birth certificate is not printed in English, the party shall submit a
 4 translated copy in addition to the copy required by Subparagraph (a) of this
 5 Paragraph. The translation shall contain a sworn declaration of the translator that he
 6 is fluent in the language of the original birth certificate and of the translation, and
 7 that the translation is a true and accurate representation of the original.

8 (2) A valid and unexpired passport or an unexpired visa accompanied by a
 9 Form I-94 issued by the United States, verifying that the applicant is lawfully in the
 10 United States.

11 D. A ~~certified~~ copy of the birth certificate or ~~letter issued in lieu thereof~~
 12 order issued pursuant to R.S. 9:228 shall be retained by the official recorder of the
 13 marriage for a minimum period of sixty days.

14 §227. Certified copy unavailable; other proof

15 A. If no birth certificate is on file for an applicant, a letter signed by the
 16 proper registration authority of the state, territory, or country of the place of birth of
 17 the applicant, under his raised seal or stamp, ~~must~~ shall be submitted in lieu of a birth
 18 certificate. The letter must state that a thorough search was made and that no birth
 19 record was located for the applicant.

20 B. The letter issued pursuant to Subsection A of this Section shall be filed
 21 with the court conducting the hearing pursuant to R.S. 9:228.

22 C. The ~~officer judge~~ issuing the order waiving the birth certificate in order
 23 to obtain the marriage license ~~may~~ shall demand other proof of birth facts.

24 §228. Same; court order waiving birth certificate; translation to English

25 A. In the event of extenuating circumstances, for good cause shown, and
 26 after a hearing, which may be held in camera, finding that the parties have complied
 27 with all other requirements, including presentation of the letter required by R.S.
 28 9:227 and other competent evidence that the applicant was born in any state or
 29 territory of the United States, a judge of the ~~Orleans Parish City Courts~~ First or
 30 Second City Courts of the city of New Orleans, a family court judge, a juvenile court

1 judge, or any district court judge of a parish may order an issuing official within the
 2 territorial jurisdiction of his court to issue a marriage license without the applicant
 3 submitting a birth certificate. The order need not state the reasons. The written
 4 order shall be attached to the marriage application.

5 B. In the event of extenuating circumstances, and for good cause shown, and
 6 after a hearing, which may be held in camera, finding that the parties have complied
 7 with all other requirements, including presentation of the letter required by R.S.
 8 9:227 and other competent evidence that the applicant was born in any state or
 9 territory of the United States, a justice of the peace or city court judge may order an
 10 issuing official within the parish where his court is situated to issue a marriage
 11 license without the applicant submitting a birth certificate. The order need not state
 12 the reasons. The written order shall be attached to the marriage application.

13 ~~C. In the event of extenuating circumstances, and after finding that the~~
 14 ~~parties have complied with all other requirements, a retired justice of the peace~~
 15 ~~authorized to perform marriage ceremonies under R.S. 9:203(C) may order an~~
 16 ~~issuing official within the territorial limits provided by R.S. 9:203(A) to issue a~~
 17 ~~marriage license without the applicant submitting a birth certificate. The order need~~
 18 ~~not state the reasons.~~

19 Section 2. The legislature finds all of the following:

20 (1) The reliability and accuracy of marriage records is a fundamental concern to the
 21 people of Louisiana.

22 (2) The state has a fundamental interest in preventing and deterring fraudulent
 23 marriages.

24 (3) The most effective way to curb fraud in the area of marriage licenses is to require
 25 accurate and verifiable documents in order to obtain a marriage license and to require the
 26 parties to swear or affirm, under penalty of law, as to the accuracy of the information on the
 27 application for marriage.

1 Section 3. The provisions of this Act shall become effective on January 1, 2016.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____