

RÉSUMÉ DIGEST

ACT 436 (HB 836)

2015 Regular Session

Hodges

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

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

New law provides that an application for marriage be made on the form that is provided for in new law.

New law provides that the application must be in writing and must be sworn to and signed by both parties, but provides exceptions for members of the armed forces of the United States.

Existing law provides that the application must contain the 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. Existing law further provides that the state registrar of vital records shall maintain confidentiality of social security numbers.

New law requires the parties to list the number of times they have been married and whether they are divorced.

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

New 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 and unexpired passport from the country of the applicant's birth or an unexpired visa accompanied by a Form I-94 issued by the United States shall be included.

Existing law requires the state registrar of vital records and the officiant to maintain the confidentiality of social security numbers.

New law retains existing law.

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

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

Existing law provides that the filing of 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. Existing 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.

New law 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.

New law provides exceptions to the requirement that both parties sign the marriage application.

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

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

New law provides that either a valid and unexpired driver's license, government-issued identification card, or a valid and unexpired passport from the country of his birth or an unexpired visa accompanied by Form I-94 as issued by the United States, must be produced in order to obtain a marriage license.

Existing 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 certificates. Existing law further provides that a photostatic or photographic reproduction of the certified copy of the birth certificate may be filed with the officer.

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

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

New law requires a person born in Louisiana to submit a certified copy of his birth certificate with the application.

Existing 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.

New law requires that if the applicant's birth was outside Louisiana but in another state or territory 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.

New law requires that if the applicant is born outside of the United States, the applicant shall submit birth certificate under the seal of the U.S. or 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 valid and unexpired passport or an unexpired visa accompanied by a Form I-94 issued by the United States, verifying that the applicant is lawfully in the United States.

Prior law required that the official recorder of the marriage retain a certified copy of the birth certificate or letter issued in lieu thereof for a minimum period of 60 days.

New law deletes the requirement that the copy retained is certified.

New law requires that the order which provides that the non-English birth certificate be translated into English be held for 60 days.

Existing 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. Existing law provides that the letter must state that a thorough search was made and that no birth record was located for the applicant.

New 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 court conducting the hearing, if the requirement of the birth certificate is to be waived.

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

New 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.

Existing law provides that in the event of extenuating circumstances, and after finding that the parties have complied with all other requirements, a judge of an Orleans Parish City Court, a family court judge, a juvenile court judge, any district court judge of a parish, or a justice of the peace may order an issuing official within the territorial jurisdiction of his court to issue a marriage license without the applicant submitting a birth certificate.

New law corrects the name of the First and Second City Courts of New Orleans, and provides that the order waiving the requirement that a birth certificate be necessary to obtain a license for marriage be for good cause shown and authorizes the hearing to be held in camera.

New 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, along with other competent evidence shall be presented to the court at the hearing.

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

New law deletes prior law.

New law provides for legislative findings.

Effective January 1, 2016.

(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))