

2017 Regular Session

HOUSE BILL NO. 270

BY REPRESENTATIVE HODGES

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MARRIAGE/LICENSE: Provides relative to marriage license applications

1 AN ACT

2 To amend and reenact R.S. 9:224(A)(6)(a) and (B)(3), 225, 226, 227, and 228, relative to
3 marriage licenses; to provide for the required information to obtain a marriage
4 license; to provide for exceptions; to provide procedures for hearings; and to provide
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 9:224(A)(6)(a) and (B)(3), 225, 226, 227, and 228 are hereby
8 amended and reenacted to read as follows:

9 §224. Application; information required

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

13 * * *

14 (6) Each party's social security number, if both parties were born in any state
15 or territory of the United States or are naturalized citizens of the United States.

16 (a) If a party does not have a social security number issued by the United
17 States Social Security Administration ~~because the party is not a citizen or a lawful~~
18 ~~permanent resident of the United States~~, the party shall present either any of the
19 following valid and unexpired forms of identification:

- 1 (i) A ~~valid and unexpired~~ passport from the country of his birth.
- 2 (ii) ~~An unexpired visa accompanied by a Form I-94 issued by the United~~
- 3 ~~States~~ A visa issued by the United States Department of State.
- 4 (iii) A court order waiving the requirement of a social security number
- 5 pursuant to the procedure established by R.S. 9:228.

* * *

B.

* * *

9 (3) In the event of extenuating circumstances, and after a finding that the

10 parties have complied with all other requirements, for good cause shown, ~~a judge of~~

11 ~~the First or Second City Courts of the city of New Orleans,~~ a family court judge, a

12 juvenile court judge, a district court judge, a parish court judge, a city court judge,

13 or a justice of the peace may order an issuing official within the ~~territorial~~

14 ~~jurisdiction~~ parish of his court to issue a marriage license with the notarized

15 signature of only one of the applicants. The written order shall be attached to the

16 marriage application.

* * *

§225. Documents required; attachments

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

- 20 (1)(a) A certified copy of each party's birth certificate as provided by R.S.
- 21 9:226.
- 22 (b) If the applicant does not have a birth certificate as required by
- 23 Subparagraph (a) of this Paragraph, the applicant shall obtain an order signed by a
- 24 judge waiving the requirement pursuant to R.S. 9:228, in all cases, whether the
- 25 applicant was born in Louisiana, in a state other than Louisiana, or in a country other
- 26 than the United States.
- 27 (2) ~~The~~ If applicable, the written consent for a minor to marry, or the court's
- 28 authorization for the minor to marry, or both, as required by Chapter 6 of Title XV
- 29 of the Children's Code.

1 (3) If applicable, ~~the~~ a declaration of intent for a covenant marriage, as
2 provided in Part VII of this Chapter.

3 ~~(4)~~B. In addition to the documents required by Subsection A of this Section,
4 each applicant shall also submit any of the following valid and unexpired forms of
5 identification, subject to the limitations required by R.S. 9:224(A)(6) when the
6 applicant does not have a social security number:

7 (1) ~~A valid and unexpired driver's license, a,~~

8 (2) ~~A government issued identification card, or a,~~

9 (3) ~~A valid and unexpired passport, from the country of his birth or an~~
10 ~~unexpired~~

11 (4) ~~A visa accompanied by Form I-94 as issued by the United States issued~~
12 ~~by the United States Department of State.~~

13 (5) ~~A Certificate of Naturalization issued by the United States Citizenship~~
14 ~~and Immigration Services.~~

15 ~~B.C.~~(1) It shall be unlawful for any officer authorized to issue a marriage
16 license in this state to issue a license to any male or female unless both parties first
17 present and file with the officer a certified copy of their original birth certificate,
18 unless the applicant has obtained an order signed by a judge waiving the requirement
19 pursuant to R.S. 9:228.

20 (2) A photostatic or photographic reproduction of the certified copy of the
21 birth certificate or the order issued pursuant to R.S. 9:228 shall be filed with the
22 officer.

23 §226. Certified copy of birth certificate; translation to English

24 A. ~~A person born in Louisiana shall submit a certified copy of his birth~~
25 ~~certificate. A short-form birth certification card shall be acceptable as a certified~~
26 ~~copy of a birth certificate.~~

27 B. ~~A person born in a state or territory of the United States other than~~
28 ~~Louisiana shall submit a copy of his birth certificate~~ The certified copy of the birth

1 certificate required by R.S. 9:225(A)(1)(a) shall be under the raised seal or stamp of
2 the vital statistics registration authority of his the applicant's place of birth.

3 ~~C. A person born outside of the United States or territory of the United States~~
4 ~~shall submit a birth certificate under the seal of the United States or shall submit all~~
5 ~~of the following:~~

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

8 ~~(b)~~B. If the birth certificate is not printed in English, the party shall submit
9 a translated copy in addition to the certified copy required by ~~Subparagraph (a) of~~
10 ~~this Paragraph~~ R.S. 9:225(A)(1)(a). The translation shall contain a sworn declaration
11 of the translator that he is fluent in the language of the original birth certificate and
12 of the translation, and that the translation is a true and accurate representation of the
13 original.

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

17 ~~D.C.~~ C. A copy of the birth certificate or order issued pursuant to R.S. 9:228
18 shall be retained by the official recorder of the marriage for a minimum period of
19 sixty days.

20 §227. Certified copy unavailable; other proof

21 A.(1) If no birth certificate is on file for an applicant, a letter signed by the
22 proper registration authority ~~of the state, territory, or country~~ of the place of birth of
23 the applicant, under ~~his~~ the registration authority's raised seal or stamp, shall be
24 submitted in lieu of a birth certificate. The letter ~~must~~ shall state that a thorough
25 search was made and that no birth record was located for the applicant.

26 ~~B.(2)~~ B.(2) The letter ~~issued pursuant to Subsection A of this Section~~ submitted
27 pursuant to Paragraph (1) of this Subsection shall be filed with the court conducting
28 the hearing pursuant to R.S. 9:228.

1 ~~C.B. The~~ In all cases, including cases in which the proper registration
2 authority fails to issue the letter required by Subsection A of this Section, the judge
3 issuing the order waiving the birth certificate in order to obtain the marriage license
4 shall demand other ~~proof of birth facts~~ evidence in lieu of the birth certificate or
5 letter as the court deems necessary to establish the identity of the applicant.

6 §228. Same; court order waiving birth certificate or social security number

7 A. In the event of extenuating circumstances, for good cause shown, and
8 after a hearing, which shall be held in an expeditious manner and may be held
9 before a duty judge and in camera, finding that the parties have complied with all
10 other requirements, including presentation of the ~~letter~~ evidence required by R.S.
11 9:227 and other competent evidence that the applicant was born in any state or
12 territory of the United States, a judge of the First or Second City Courts of the city
13 of New Orleans, a family court judge, a juvenile court judge, or any district court
14 judge of a parish may order an issuing official within the territorial jurisdiction of his
15 court to issue a marriage license without the applicant submitting a birth certificate
16 or a social security number. ~~The order need not state the reasons. The court shall~~
17 provide written reasons for the denial of a waiver of the requirement to present a
18 birth certificate or social security number. The written order shall be attached to the
19 marriage application.

20 B. In the event of extenuating circumstances, and for good cause shown, and
21 after a hearing, which shall be held in an expeditious manner and may be held
22 before a duty judge and in camera, finding that the parties have complied with all
23 other requirements, including presentation of the ~~letter~~ evidence required by R.S.
24 9:227 and other competent evidence that the applicant was born in any state or
25 territory of the United States, a justice of the peace, or a city court judge, or a parish
26 court judge may order an issuing official within the parish where his court is situated
27 to issue a marriage license without the applicant submitting a birth certificate or
28 social security number. ~~The order need not state the reasons~~ The court shall provide
29 written reasons for the denial of a waiver of the requirement to present a birth

1 certificate or a social security number. The written order shall be attached to the
2 marriage application.

3 Section 2. This Act shall become effective upon signature by the governor or, if not
4 signed by the governor, upon expiration of the time for bills to become law without signature
5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
6 vetoed by the governor and subsequently approved by the legislature, this Act shall become
7 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 270 Original

2017 Regular Session

Hodges

Abstract: Revises the procedures and required information in order to obtain a marriage license, and provides the availability of a hearing for a waiver of certain required information for all applicants.

Present law provides for the procedures and information required to be presented in order to obtain a marriage license.

Present law provides for the inclusion of each applicant's social security number, and if an applicant does not have a social security number, then the applicant shall present a passport from his country of birth or a visa accompanied by a Form I-94.

Proposed law retains present law, deletes the requirement that the birth certificate be from the applicant's country of birth and the Form I-94, and specifies that the passport or visa be valid and unexpired, and adds the availability to obtain a court ordered waiver from having to present a social security number.

Present law provides the availability of a hearing in order to waive the requirement that both applicants sign the marriage license application, and authorizes the waiver to be issued by family court judges, juvenile court judges, district court judges, city court judges, and justices of the peace within their territorial jurisdiction.

Proposed law retains present law, adds parish court judges to those judges who may issue a waiver, and further specifies that such judges may issue the waiver in the parish of that judge's court.

Present law requires that an application for a marriage license shall be accompanied by certain documents including a birth certificate and a driver's license, government issued identification card, a passport from the applicant's country of birth, or a visa accompanied by a Form I-94.

Proposed law retains present law, deletes the requirement that the birth certificate be from the applicant's country of birth and the Form I-94, specifies that the passport or visa be valid and unexpired, and adds a Certificate of Naturalization as an additional form of identification.

Proposed law further specifies that the procedure to obtain a waiver from the requirement to produce a birth certificate is available to all applicants, regardless of where the applicant is born.

Proposed law adds the requirement to file a copy of the court order with the officer, in addition to the present law requirement to file a copy of the certified birth certificate.

Present law provides that a person born in this state shall submit a certified copy of his birth certificate or a short-form birth certificate, and that a person born outside of this state submit a certified birth certificate under the raised seal or stamp of the vital statistics registration authority of his place of birth.

Proposed law provides that each person, regardless of the applicant's place of birth, provide a certified birth certificate under the raised seal or stamp of the vital statistics registration authority of his place of birth.

Proposed law retains the present law requirement that a translated copy of a birth certificate be attached if the original is not printed in English.

Present law requires that if an applicant does not have a birth certificate, he shall submit a letter signed by the proper registration authority of the applicant's place of birth and containing a statement that a thorough search was conducted and no birth record was located.

Proposed law retains present law and further provides that if the registration authority fails to issue the required letter, the judge shall demand other evidence to establish the identity of the applicant.

Present law provides the availability of a hearing in order to waive the requirement of presenting a certified copy of the applicant's birth certificate, and authorizes the waiver to be issued by family court judges, juvenile court judges, district court judges, city court judges, and justices of the peace.

Proposed law retains present law, adds the availability of a waiver of the requirement of a social security number, and adds parish court judges to those judges who may issue the waiver.

Proposed law requires that the hearings for the waiver be held in an expeditious manner and provides that the hearing may be held before a duty judge, and further requires written reasons for the denial of a waiver.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 9:224(A)(6)(a) and (B)(3), 225, 226, 227, and 228)