
DIGEST

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HB 270 Engrossed

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)