

---

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Xavier Alexander.

---

DIGEST

SB 98 Original

2018 Regular Session

Morrell

Proposed law revises terminology in present law referring to marriage as between a man and a woman and husband and wife by deleting and making substitutions for obsolete terms.

Present law (C.C. Art. 96) provides that a marriage between parties of the same sex does not produce civil effects.

Proposed law deletes present law.

Proposed law revises terminology in present law referring to "father", "mother", "grandfather", and "grandmother" by deleting and substituting with the term "parent" or "grandparent".

Proposed law defines "parent" as an ascendant of the first degree who is filiated to a child.

Present law (C.C. Art. 3520) provides that a purported marriage between same-sex persons violates a strong public policy of the state, and such a marriage contracted in another state shall not be recognized in Louisiana.

Proposed law deletes present law.

Proposed law (R.S. 1:18) provides that the terms "husband" or "wife" shall mean "spouse".

Proposed law (R.S. 9:2831) allows same-sex couples married on or before June 26, 2015, to enter into a matrimonial agreement, without court approval, until the expiration of one year from August 1, 2018.

Proposed law (R.S. 9:2832) provides that the application of the community property regime to same-sex couples married on or before June 26, 2015, shall be without prejudice to the rights of third parties acquired prior to August 1, 2018.

Proposed law repeals present law (C.C. Art. 89) that prohibited persons of the same sex from entering into a marriage contract.

Proposed law repeals present law (C.C. Art. 3506(12)) which defined "family" to include servants.

Effective August 1, 2018.

(Amends C.C. Arts. 86, 87, 96, 221, 236, 246, 257, 259, 263, 270, 2315.1(A)(2) and (4), (D), and (E), 2315.2(A)(2) and (4), (D), and (E), 2315.6(A)(2) and (4), 2318, 2333, 3506(8), and 3520, C.C.P.

Art. 3947, and R.S. 9:223, 224(A)(2) and (C), 273(A)(1), 273.1(A), 275(C)(1)(a), 275.1(A), 309(A)(1) and 2729, R.S. 13:1832(D), and R.S. 35:11(A); adds C.C. Art. 3506(9), R.S. 1:18, R.S. 9:2831 and 2832; repeals C.C. Arts. 89 and 3506(12))