

2018 Regular Session

HOUSE BILL NO. 747 (Substitute for House Bill No. 390 by Representative Emerson)

BY REPRESENTATIVE EMERSON

MARRIAGE: Provides relative to the waiting period before performing a marriage ceremony

1 AN ACT

2 To amend and reenact Subpart A of Part IV of Chapter 1 of Code Title IV of Code Book I

3 of Title 9 of the Revised Statutes of 1950, to be comprised of R.S. 9:241 through

4 243, relative to the performance of marriage ceremonies; to provide for the waiting

5 period before conducting a marriage ceremony; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Subpart A of Part IV of Chapter 1 of Code Title IV of Code Book I of

8 Title 9 of the Revised Statutes of 1950, comprised of R.S. 9:241 through 243, is hereby

9 amended and reenacted to read as follows:

10 PART IV. DELAYS AND CEREMONY

11 SUBPART A. ~~SEVENTY-TWO~~ TWENTY-FOUR HOUR DELAY

12 §241. Premature ceremony prohibited

13 An officiant may not perform a marriage ceremony until ~~seventy-two~~ twenty-

14 four hours have elapsed since the issuance of the marriage license.

15 §242. Waiver of delay

16 A. A judge, justice of the peace, or retired justice of the peace authorized to

17 perform the marriage may waive the ~~seventy-two-hour~~ twenty-four-hour delay upon

18 application of the parties giving serious and meritorious reasons. His certificate

1 authorizing the immediate performance of the ceremony must be attached to the
2 marriage license.

3 B. Notwithstanding the provisions of R.S. 9:241, an officiant authorized to
4 perform marriage ceremonies in the parish of Orleans may waive the ~~seventy-two-~~
5 ~~hour~~ twenty-four-hour delay for nonresident parties upon application of the parties
6 giving serious and meritorious reasons. His certificate authorizing the immediate
7 performance of the ceremony shall be attached to the marriage license. For purposes
8 of this Subsection, "nonresident" shall mean a person domiciled or residing in a
9 jurisdiction other than the state of Louisiana.

10 §243. Penalty

11 An officiant who violates R.S. 9:241, ~~other than~~ except for a judge, justice
12 of the peace or an officiant authorized to perform marriage ceremonies in the parish
13 of Orleans and who is authorized to waive the ~~seventy-two-hour~~ twenty-four-hour
14 delay pursuant to the provisions of R.S. 9:242(B), may have his authority to perform
15 marriage ceremonies revoked by the state registrar of vital records. The revocation
16 may not exceed one year.

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 747 Original

2018 Regular Session

Emerson

Abstract: Changes the 72-hour delay for performing a marriage ceremony to a 24-hour delay.

Present law prohibits a marriage officiant from performing a marriage ceremony until 72 hours have elapsed since the issuance of the marriage license.

Present law authorizes a judge, justice of the peace, or retired justice of the peace to waive the 72-hour delay.

Present law authorizes any officiant authorized to perform marriage ceremonies in the parish of Orleans to waive the 72-hour delay for nonresident parties upon application of the parties.

Present law provides a penalty of revocation of a marriage officiant's authority, other than a judge or justice of the peace or an officiant authorized to perform ceremonies in Orleans Parish, to perform marriage ceremonies for up to one year for who violates the provisions of present law.

Proposed law retains present law but changes the 72-hour delay to a 24-hour delay.

(Amends R.S. 9:241-243)