

Regular Session, 2004

HOUSE BILL NO. 61

BY REPRESENTATIVES SCALISE, CROWE, ALEXANDER BADON, BURNS, ERDEY, FAUCHEUX, FLAVIN, FRITH, GEYMANN, JOHNS, LABRUZZO, T. POWELL, SMILEY, JANE SMITH, JOHN SMITH, AND WALKER AND SENATORS CAIN, MICHOT, AND THEUNISSEN

MARRIAGE: (Constitutional Amendment) Defines marriage as the union of one man and one woman

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A JOINT RESOLUTION

Proposing an amendment to the Constitution of Louisiana, to enact Article I, Section 27, relative to marriage; to provide for valid and recognized marriages; to provide for the legal incidents of marriage; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state of Louisiana, for their approval or rejection in the manner provided by law, a proposal to add Article I, Section 27 of the Constitution of Louisiana, to read as follows:

§27. Defense of Marriage

Section 27. Marriage in the state of Louisiana shall consist only of the union of one man and one woman. No official or court of the state of Louisiana shall construe this constitution or any state law to require that marriage or the legal incidents thereof be conferred upon any member of a union other than the union of one man and one woman. A legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized. No official or court of the state of Louisiana shall recognize any marriage contracted in any other jurisdiction which is not the union of one man and one woman.

1 Section 2. Be it further resolved that this proposed amendment shall be submitted to  
2 the electors of the state of Louisiana at the statewide election to be held on November 2,  
3 2004.

4 Section 3. Be it further resolved that on the official ballot to be used at said election  
5 there shall be printed a proposition, upon which the electors of the state shall be permitted to  
6 vote FOR or AGAINST, to amend the Constitution of Louisiana, which proposition shall read  
7 as follows:

8 To provide that marriage in this state shall consist of the union of one man and  
9 one woman; to provide that legal incidents of marriage shall not be conferred  
10 upon a union other than the union of one man and one woman; to provide that  
11 a legal status similar to marriage shall not be valid or recognized for  
12 unmarried individuals; to prohibit the recognition of any marriage contracted  
13 in another state which is not the union of one man and one woman. (Adds  
14 Article I, Section 27)

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

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Scalise

HB No. 61

**Abstract:** Defines marriage as a union between one man and one woman.

Proposed constitutional amendment provides that marriage in Louisiana is the union of one man and one woman and prohibits officials or courts from conferring marriage or the legal incidents thereof upon any union other than the union of one man and one woman.

Proposed constitutional amendment provides that a legal status similar to that of marriage shall not be valid or recognized for unmarried individuals.

Proposed constitutional amendment prohibits the recognition by any official or court of a marriage contracted in another jurisdiction unless it is a union between one man and one woman.

Provides for submission of the proposed amendment to the voters at the statewide election to be held November 2, 2004.

(Adds Const. Art. I, §27)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill.

1. Provides that a legal status similar to marriage shall not be valid or recognized for unmarried individuals.
2. Clarifies that no official or court of this state shall construe the constitution or laws of this state as requiring marriage or the legal incidents thereof to be conferred upon same sex unions.