

Regular Session, 1999

HOUSE BILL NO. 1450

BY REPRESENTATIVE FONTENOT

MARRIAGE: Prohibits the recognition or validity of any marriage between persons of the same sex lawfully entered into in another jurisdiction and provides for the effect of such marriages

1 AN ACT

2 To amend and reenact Civil Code Articles 89 and 3520, relative to same sex
3 marriages; to prohibit the recognition of any marriage between persons
4 of the same sex; to provide for any such marriage contracted in another
5 state or jurisdiction; to provide for the effect of any public act, record
6 or judicial proceeding in another state or jurisdiction which authorizes
7 such marriages; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Civil Code Articles 89 and 3520 are hereby amended and
10 reenacted to read as follows:

11 Art. 89. Impediment of same sex

12 Persons of the same sex may not contract marriage with each
13 other. A purported marriage between persons of the same sex
14 contracted in another state shall be governed by the provisions of Title
15 II of Book IV of the Civil Code.

16 * * *

17 Art. 3520. Marriage

18 A. A marriage that is valid in the state where contracted, or in
19 the state where the parties were first domiciled as husband and wife,

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 shall be treated as a valid marriage unless to do so would violate a
2 strong public policy of the state whose law is applicable to the
3 particular issue under Article 3519.

4 B. A purported marriage between persons of the same sex
5 violates a strong public policy of the state of Louisiana and such a
6 marriage contracted in another state shall not be recognized in this state
7 for any purpose, including the assertion of any right or claim as a result
8 of the purported marriage.

DIGEST

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

Fontenot

HB No. 1450

Present law prohibits persons of the same sex contracting marriage with each other.

Proposed law retains present law and further provides that a purported marriage between persons of the same sex contracted in another state shall be governed by the provisions of Title II of Book IV of the Civil Code.

Proposed law provides that a purported marriage between persons of the same sex violates strong public policy of the state of Louisiana and such a marriage contracted in another state shall not be recognized in this state for any purpose.

(Amends C.C. Arts. 89 and 3520)

Summary of Amendments Adopted by House

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

1. Changes provisions of proposed law to require that marriages between persons of the same sex contracted in another state be governed by Title II of Book IV of the Civil Code.
2. Adds provision relative to public policy of same sex marriages and that any such marriage shall not be recognized in this state.