

Regular Session, 2014

HOUSE BILL NO. 1196

BY REPRESENTATIVE LOPINTO

JUDGES/JUSTICE OF PEACE: Authorizes retired justices of the peace to perform certain duties relative to waivers

1 AN ACT

2 To amend and reenact R.S. 9:228 and 242(A), relative to marriage licenses; to authorize  
3 retired justices of the peace to sign certain waivers; and to provide for related  
4 matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 9:228 and 242(A) are hereby amended and enacted to read as  
7 follows:

8 §228. Same; court order waiving

9 A. In the event of extenuating circumstances, and after finding that the  
10 parties have complied with all other requirements, a judge of the Orleans Parish City  
11 Court<sup>1</sup>, a family court judge, a juvenile court judge, or any district court judge of a  
12 parish may order an issuing official within the territorial jurisdiction of his court to  
13 issue a marriage license without the applicant submitting a birth certificate.

14 B. In the event of extenuating circumstances, and after finding that the  
15 parties have complied with all other requirements, a justice of the peace or city court  
16 judge may order an issuing official within the parish where his court is situated to  
17 issue a marriage license without the applicant submitting a birth certificate. The  
18 order need not state the reasons.

19 C. In the event of extenuating circumstances, and after finding that the  
20 parties have complied with all other requirements, a retired justice of the peace

1        authorized to perform marriage ceremonies under R.S. 9:203(C) may order an  
2        issuing official within the territorial limits provided by R.S. 9:203(A) to issue a  
3        marriage license without the applicant submitting a birth certificate. The order need  
4        not state the reasons.

5    \*        \*        \*

6        §242. Waiver of delay

7                      A. A judge, ~~or justice of the peace~~ justice of the peace, or retired justice of  
8        the peace authorized to perform the marriage may waive the seventy-two-hour delay  
9        upon application of the parties giving serious and meritorious reasons. His  
10       certificate authorizing the immediate performance of the ceremony must be attached  
11       to the marriage license.

12    \*        \*        \*

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)]

Lopinto HB No. 1196

**Abstract:** Authorizes a retired justice of the peace to certain waivers relative to issuance of marriage licenses.

Present law authorizes certain officials to order an issuing official to issue a marriage license without the applicant submitting a birth certificate when there are extenuating circumstances and the official has found that the parties have complied with all other requirements.

Proposed law retains present law and adds retired justices of the peace to the list of officials.

Present law authorizes a judge or justice of the peace authorized to perform a marriage ceremony to waive the 72-hour delay requirement for performance of a marriage ceremony in certain circumstances.

Proposed law retains present law and adds retired justices of the peace to the list of officials.

(Amends R.S. 9:228 and 242(A))