

GREEN SHEET REDIGEST

HB 836

2015 Regular Session

Hodges

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

MARRIAGE/LICENSE: Provides for documentation and verification of certain information submitted by applicants for marriage licenses.

DIGEST

Present law provides for requirements for the issuance of a Louisiana marriage license.

Present law provides that an application for a marriage license must be made on a form provided by the state registrar of vital records.

Proposed law retains present law but provides that the form that is used is provided by proposed law.

Proposed law provides that the application must be in writing and must be sworn to and signed by both parties, but provides exceptions for members of the armed forces of the United States.

Present law provides that the application must contain the date and hour of the application, the full name, residence, race, and age of each party, the names of the parents of each party, the number of former marriages of each party, and whether divorced or not as well as each party's social security number. Present law further provides that the state registrar of vital records shall maintain confidentiality of social security numbers.

Proposed law requires the parties to list the number of times they have been married.

Proposed law retains present law but clarifies that each party's social security number is to be provided on the application if both parties were born in a state or territory of the United States or are naturalized citizens of the United States.

Proposed law provides that if a party does not have a social security number issued by the U.S. Social Security Administration because the party is not a citizen, a valid and unexpired passport from the country of the applicant's birth or an unexpired visa issued from the country of the applicant's birth accompanied by a Form I-94 issued by the United States shall be included.

Present law requires the state registrar of vital records and the officiant to maintain the confidentiality of social security numbers.

Proposed law retains present law.

Present law provides that applicant must verify the application by affidavit.

Proposed law retains present law but provides that the affidavit shall acknowledge that each party is free to marry pursuant to Louisiana law, and further provides that the affidavit shall require each party to verify under oath that the information contained in the application is true and correct.

Present law provides that the filing of false public records is the filing or depositing for record in any public office or with any public official, or the maintaining as required by law, regulation, or rule, with knowledge of its falsity, in any document containing a false statement or false representation of a material fact. Present law provides that whoever commits the crime of filing false public records shall be imprisoned for not more than five years with or without hard labor or shall be fined not more than \$5,000, or both.

Proposed law provides that the application of marriage shall include an acknowledgment that each party understands that falsification of the application shall constitute the crime of filing false public records.

Proposed law provides exceptions to the requirement that both parties sign the marriage application.

Present law provides that an application for a marriage license shall be accompanied by a certified copy of each party's birth certificate.

Proposed law retains present law but provides that if the birth certificate is in a language other than English, the birth certificate shall be interpreted in writing in English.

Proposed law provides that either a valid and unexpired driver's license, government-issued identification card, or a valid and unexpired passport from the country of his birth or an unexpired visa accompanied by Form I-94 as issued by the United States, must be produced in order to obtain a marriage license.

Present law provides that it shall be unlawful for any officer authorized to issue a marriage license in this state to issue a license to any male or female unless both parties first present and file with such officer a certified copy of their original birth certificates. Present law further provides that a photostatic or photographic reproduction of the certified copy of the birth certificate may be filed with the officer.

Proposed law retains present law but requires that a photostatic or photographic reproduction of the certified copy of the birth certificate shall be filed with the officer.

Present law provides that a person born in Louisiana may submit a certified copy of his birth certificate with the marriage application. Present law further provides that a short-form birth certification card shall be acceptable as a certified copy of a birth certificate.

Proposed law retains present law but requires a person born in Louisiana to submit a certified copy of his birth certificate with the application.

Present law provides that a person born outside Louisiana may submit a copy of his birth certificate under the raised seal or stamp of the vital statistics registration authority of his place of birth.

Proposed law retains present law but requires that if the applicant's birth was outside Louisiana but in another state or territory of the U.S., the applicant shall submit a copy of his birth certificate under the raised seal or stamp of the state's vital statistics registration authority of his place of birth.

Proposed law retains present law but requires if the applicant is born outside of the United States, the applicant shall submit birth certificate under the seal of the U.S. or all of the following:

- (1) A copy of the person's birth certificate under the raised seal or stamp of the vital statistics registration authority of the person's place of birth.
- (2) If the birth certificate is not printed in English, the party shall obtain a copy translated in English.
- (3) A valid and unexpired passport or an unexpired visa accompanied by a Form I-94 issued by the United States, verifying that the applicant is lawfully in the United States.

Present law provides that certified copy of the birth certificate or letter issued in lieu thereof shall be retained by the official recorder of the marriage for a minimum period of 60 days.

Proposed law deletes the requirement that the copy retained is certified.

Proposed law retains present law but requires that the order which provides that the non-English birth certificate be translated into English be also held for 60 days.

Present law provides that if there is no birth certificate on file for the applicant, a letter signed by the proper registration authority, under his raised seal or stamp, must be submitted in lieu of a birth certificate. Present law provides that the letter must state that a thorough search was made and that no birth record was located for the applicant.

Proposed law provides that the letter issued by the state registrar of vital records or the issuing authority in another state or country shall be filed with the court conducting the hearing, if the requirement of the birth certificate is to be waived.

Present law provides that the officer issuing the marriage license may demand other proof of birth facts.

Proposed law provides that the judge issuing the order waiving the birth certificate in order to obtain the marriage license shall demand other proof of birth facts.

Present law provides that in the event of extenuating circumstances, and after finding that the parties have complied with all other requirements, a judge of an Orleans Parish City Court, a family court judge, a juvenile court judge, any district court judge of a parish, or a justice of the peace may order an issuing official within the territorial jurisdiction of his court to issue a marriage license without the applicant submitting a birth certificate.

Proposed law retains present law but corrects the name of the First and Second City Courts of New Orleans, and provides that the order waiving the requirement that a birth certificate be necessary to obtain a license for marriage be for good cause shown and authorizes the hearing to be held in camera.

Proposed law further provides that a letter obtained from the Louisiana state registrar of vital records or the proper registration authority stating that the birth certificate could not be found, along with other competent evidence shall be presented to the court at the hearing.

Present law provides that in the event of extenuating circumstances, and after finding that the parties have complied with all other requirements, a retired justice of the peace authorized to perform marriage ceremonies may order an issuing official within the territorial limits provided by to issue a marriage license without the applicant submitting a birth certificate. Present law further provides the order need not state the reasons for waiving the requirement for the birth certificate.

Proposed law deletes present law.

Proposed law provides for legislative findings.

Effective January 1, 2016.

(Amends R.S. 9:223, 224(A)(intro. para.), (4), and (6) and (B), and 225(A)(1) and (B) and 226-228; Adds R.S. 9:224(A)(7) and 225(A)(4))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Add technical legislative bureau amendments.
2. Remove references in the application which required the applicant to see the deputy clerk if social security information is not available.
3. Specify that the deputy clerk or deputy registrar may notarize the completed application.

4. Correct the name of the First and Second City Courts of New Orleans.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the engrossed bill

1. Deleted the proposed requirement that the applicant say "how and when the most recent marriage ended" and returned to present law requiring that the applicant say whether they are divorced or not.
2. Changed the requirements for a marriage license applicant who does not have a social security number because the applicant is not a citizen or a lawful permanent resident of the United States, to require that the party shall present either a valid and unexpired passport from the country of his birth or an unexpired visa issued from the country of his birth accompanied by a Form I-94 issued by the United States.
3. Changed the word "passport" in the list of acceptable documents to accompany a marriage license application to instead list as acceptable either a valid and unexpired passport from the country of the applicant's birth or an unexpired visa accompanied by Form I-94 as issued by the United States.
4. Changed the reference in a list of documents required for a marriage license from a person born outside of the United States or territory of the United States, and who does not submit a birth certificate, to include, instead of a passport or visa to read "a valid and unexpired passport or an unexpired visa accompanied by a Form I-94 issued by the United States, verifying that the applicant is lawfully in the United States".