

SENATE FLOOR AMENDMENTS

2019 Regular Session

Amendments proposed by Senator Luneau to Engrossed Senate Bill No. 172 by Senator Colomb

1 AMENDMENT NO. 1

2 On page 1, delete lines 2 through 6 and insert:

3 " To amend and reenact Civil Code Arts. 96, 367, and 2333, R.S. 9:221, and
4 Children's Code Arts. 1545 and 1547, and to enact Civil Code Art. 90.1, relative to
5 marriage; to provide a minimum age for marriage; to provide certain terms,
6 conditions, procedures, requirements, effects, and prohibitions; and to provide for
7 related matters."

8 AMENDMENT NO. 2

9 On page 1, delete lines 8 through 17 and delete pages 2 and 3 and insert:

10 " Section 1. Civil Code Arts. 96, 367 and 2333 are hereby amended and reenacted
11 and Civil Code Art. 90.1 is hereby enacted to read as follows:

12 Art. 90.1 Impediment of age

13 A minor under the age of sixteen may not contract marriage.

14 A minor sixteen or seventeen years of age may not contract marriage with a
15 person of the age of majority where there is an age difference of four years or
16 greater between them.

17 * * *

18 Art. 96. Civil effects of absolutely null marriage; putative marriage
19 An absolutely null marriage nevertheless produces civil effects in favor of a party
20 who contracted it in good faith for as long as that party remains in good faith.
21 When the cause of the nullity is one party's prior undissolved marriage, the civil
22 effects continue in favor of the other party, regardless of whether the latter remains
23 in good faith, until the marriage is pronounced null or the latter party contracts a
24 valid marriage.

25 ~~A~~ When the cause of the nullity is an impediment of age, the marriage produces
26 civil effects in favor of a child of the parties. When the cause of the nullity is
27 another reason, a marriage contracted by a party in good faith produces civil effects
28 in favor of a child of the parties. A purported marriage between parties of the same
29 sex does not produce any civil effects.

30 * * *

31 Art. 367. Emancipation by marriage
32 A minor sixteen or seventeen years of age is fully emancipated by marriage.
33 Termination of the marriage does not affect emancipation by marriage. Emancipation
34 by marriage may not be modified or terminated.

35 * * *

36 Art. 2333. Minors.
37 ~~Unless fully emancipated, a minor~~ A minor under the age of sixteen may not
38 enter into a matrimonial agreement. A minor sixteen or seventeen years of age
39 may not enter into a matrimonial agreement without the written concurrence of his
40 father and mother, or of the parent having his legal custody, or of the tutor of his
41 person.

42 Section 2. R.S. 9:221 is hereby amended and reenacted to read as follows:

43 §221. Authority to issue marriage license
44 A. A license authorizing an officiant to perform a marriage ceremony must be issued
45 by:
46

- 1 (1) The state registrar of vital records, or a judge of the city court, in the Parish of
- 2 Orleans;
- 3 (2) The clerk of court, in any other parish; or
- 4 (3) A district judge, if the clerk of court is a party to the marriage.

5 **B. No marriage license for a minor under the age of sixteen shall be issued. No**
 6 **marriage license for a minor of the age of sixteen or seventeen shall be issued**
 7 **where there is an age difference of four years or greater between the persons**
 8 **seeking the marriage license.**

9 Section 3. Children's Code Article 1545 and 1547 are hereby amended and reenacted
 10 to read as follows:

11 Art. 1545. Necessary consent; parents; judicial authorization
 12 A. An officiant may not perform a marriage ceremony in which a minor **sixteen or**
 13 **older** is a party unless the minor has the written consent to marry of either:
 14 (1) Both of his parents.
 15 (2) The tutor of his person.
 16 (3) A person who has been awarded custody of the minor.
 17 (4) The juvenile court as provided in Article 1547.
 18 B. ~~A minor under the age of sixteen must also obtain written authorization to marry~~
 19 ~~from the judge of the court exercising juvenile jurisdiction in the parish in which the~~
 20 ~~minor resides or the marriage ceremony is to be performed.~~ **No marriage ceremony**
 21 **shall be performed for a minor under the age of sixteen.**

22 * * *

23 Art. 1547. Judicial authorization; compelling reasons
 24 Upon application by ~~the minor~~ **a minor of the age of sixteen or seventeen,** the
 25 judge may authorize the marriage when there is a compelling reason why the
 26 marriage should take place. **No marriage ceremony shall be authorized for a**
 27 **minor under the age of sixteen.**"