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HOUSE FLOOR AMENDMENTS

2019 Regular Session

Amendments proposed by Representative Amedee to Reengrossed Senate Bill No. 172 by Senator Colomb

1 AMENDMENT NO. 1

2 Delete House Committee Amendments No. 1 through 18 by the House Committee on Civil
3 Law and Procedure (#3312)

4 AMENDMENT NO. 2

5 Delete House Legislative Bureau Amendment No. 1 proposed by the Legislative Bureau
6 (#2697)

7 AMENDMENT NO. 3

8 On page 1, line 2, after "Civil Code" delete the rest of the line and delete lines 3, and insert
9 the following:

10 "Art. 2333, R.S. 9:253 and 255 and Children's Code Article 1547 and 1548, relative
11 to marriage; to"

12 AMENDMENT NO. 4

13 On page 1, line 4 after "provide" insert "for parental consent for" and after "marriage;" insert
14 "to provide for judicial limitations and authorization;"

15 AMENDMENT NO. 5

16 On page 1, line 5, after "prohibitions;" insert the following:

17 "to provide for evidence of human trafficking, sexual assault, domestic violence,
18 coercion, duress or undue influence;"

19 AMENDMENT NO. 6

20 On page 1, line 8, delete "Arts. 96, 367 and 2333 are" and insert "Art. 2333 is"

21 AMENDMENT NO. 7

22 On page 1, delete lines 10 through 17 and on page 2, delete lines 1 though 22, and insert the
23 following:

24 Art. 2333. Minors.
25 ~~Unless fully emancipated, a minor~~ **A minor sixteen or seventeen years of**
26 **age** may not enter into a matrimonial agreement without the written concurrence of
27 his father and mother, or of the parent having his legal custody, or of the tutor of his
28 person."
29

1 AMENDMENT NO. 8

2 On page 2, line 23, delete "R.S. 9:221 is" and insert "R.S. 9:253 and 255 are"

3 AMENDMENT NO. 9

4 On page 2, delete lines 24 through 29 and on page 3, delete lines 1 through 5 and insert the
5 following:

6 §253. Disposition and recordation of marriage certificates

7 A. The officiant shall give one copy of the marriage certificate to the married
8 parties. Within ten days after the ceremony, he shall file the other two copies of the
9 certificate of marriage with the ~~officer~~ clerk of court who issued the marriage
10 license.

11 B. Upon receipt of these copies, this ~~officer~~ clerk of court shall sign them
12 and note thereon the date the certificate was recorded by him.

13 C. ~~He~~ The clerk of court shall forward to the state registrar of vital records,
14 on or before the fifteenth day of each calendar month, all of the following:

15 (1) ~~one~~ One copy of each certificate of marriage filed with him during the
16 preceding calendar month.

17 (2) A copy of the application of marriage which indicates the dates of
18 birth of the husband and wife if either the husband or the wife is a minor.

19 * * *

20 §255. Tabulation of marriage statistics; annual report

21 A. The state registrar of vital records shall annually prepare, from the
22 information filed with him under the provisions of R.S. 9:224, ~~253~~, and 9:252,
23 abstracts and tabular statements of the facts relating to marriages in each parish, and
24 embody them, with the necessary analysis, in his annual report to the state. His
25 annual report to the state shall include a state of marriage report.

26 B. The annual state of marriage report shall include the number of
27 minors married in each parish, the number of marriages approved by parental
28 consent, and the number of marriages approved by judicial authorization.

29 C. The annual state of marriage report shall be submitted to the speaker
30 of the House of Representatives and the president of the Senate."

31 AMENDMENT NO. 10

32 On page 3, delete line 6, delete "1545 and 1547" and insert "1547 and 1548"

33 AMENDMENT NO. 11

34 On page 3, delete lines 8 through 25 and insert the following:

35 Art. 1547. Judicial authorization; compelling reasons

36 Upon application by the minor, the judge may authorize the marriage when
37 there is a compelling reason why the marriage should take place. The court shall
38 consider the best interest of the minor prospective spouse.

39 Art. 1548. Hearing; confidentiality; best interest of the minor; evidence of
40 human trafficking, sexual assault, domestic violence, coercion, duress,
41 or undue influence

42 A. The court shall hear a request for authorization for a minor to marry in
43 chambers.

44 B. The judge shall require that both the prospective husband and
45 prosepctive wife be present for the hearing.

46 C. In determining the best interest of the minor prospective spouse, the
47 court shall consider all of the following:

48 (1) Pregnancy of the prospective wife.

49 (2) If the prospective spouses are already living together.

1 (3) Housing and living conditions prior to the prospective marriage and
 2 where the prospective spouses intend to live after the marriage.

3 (4) The ages of the prospective spouses.

4 (5) The age differential between the prospective spouses.

5 (6) How the prospective spouses came to know each other.

6 (7) The stated reasons why each of the prospective spouses desires to
 7 marry one another.

8 (8) Consent of mother, father, or person having legal custody of the
 9 minor.

10 D. The judge may do all of the following:

11 (1) Require a separate in camera interviews of the prospective spouses.

12 (2) Require evidence of proofs of residency, educational attainment,
 13 juvenile offense history, or criminal history to be produced.

14 E. The judge shall conduct an inquiry to determine if there exists any
 15 evidence that the minor is a victim of human trafficking, sexual assault,
 16 domestic violence, coercion, duress, or undue influence. In conducting the
 17 inquiry, the judge shall ask all of the following questions:

18 (1) Whether one prospective spouse is in a position of authority over the
 19 other prospective spouse.

20 (2) Previous marriage or marriages of either of the prospective spouses.

21 (3) Residency and length of residency of the prospective spouses.

22 (4) How long the prospective spouses have known each other.

23 (5) Length of relationship between the prospective spouses.

24 (6) Any evidence of kidnaping, sexual assault, or domestic violence
 25 between the prospective spouses.

26 (7) Whether one of the prospective spouses was the victim of a sexual
 27 offense committed by the other prospective spouse.

28 (8) Evidence of domestic violence, spousal abuse, or sexual offenses
 29 committed by one of the prospective spouses upon anyone.

30 (9) Criminal history of the prospective spouses.

31 (10) Whether either prospective husband or wife provided or promised
 32 a third party anything of value in exchange for the marriage.

33 (11) Evidence of maturity and self-sufficiency of the prospective spouses
 34 through educational attainment or employment.

35 (12) Any history of any medical condition or chemical dependency of
 36 either of the prospective spouses."

37 F. If the judge finds any evidence of human trafficking, sexual assault,
 38 domestic violence, coercion, or undue influence, he shall immediately report it
 39 to local law enforcement or child protective services."