DIGEST

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HB 968 Engrossed 2016 Regular Session Hodges

Abstract: Repeals the statutory form for marriage licenses and provides for the required information for the issuance of a marriage license.

Present law provides a required standard form for marriage licences.

Proposed law repeals the statutory form for marriage licenses but retains the requirements as to the information which is included in the form which shall be made on a form provided by the state registrar of vital records.

Present 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 or a lawful permanent resident of the U.S., the party shall present either a valid and unexpired passport from the country of his birth or an unexpired visa accompanied by a Form I-94 issued by the U.S.

Proposed law retains present law and also requires that the valid and unexpired passport from the country of his birth be accompanied by a Form I-94 issued by the U.S., and proposed law provides other acceptable identification to be: (1) a permanent residence card (Form I-551) issued by the U.S., (2) a naturalization certificate issued by the U.S., or (3) a valid and unexpired passport issued by the U.S.

Proposed law specifies that if both parties do not execute the application at the same time, the required identification of the absent party is still required to be produced.

Present law provides that in the event of extenuating circumstances, and after a finding that the parties have complied with all other requirements, for good cause shown, a judge of the First or Second City Courts of the city of New Orleans, a family court judge, a juvenile court judge, a district court judge, a city court judge, or a justice of the peace may order an issuing official within the territorial jurisdiction of his court to issue a marriage license with the notarized signature of only one of the applicants.

Proposed law retains present law and provides that parish judges may order the issuance of the marriage license, and extends the authority of the listed judges to act within the parish where his court is situated instead of only within the territorial jurisdiction of his court.

Present law provides that it shall be unlawful for any officer authorized to issue a marriage license in this state unless both parties file a certified copy of their original birth certificate.

Proposed law retains present law and also authorizes the filing of a waiver of a birth certificate pursuant to present law, but removes the authority to submit a short-form birth certificate.

Present law provides that a person born outside of the U.S. or territory of the U.S. shall submit a birth certificate under the seal of the U.S. or shall submit, among other documentation, a valid and unexpired passport or an unexpired visa accompanied by a Form I-94 issued by the U.S. verifying that the applicant is lawfully in the U.S.

Proposed law authorizes the production of a naturalization certificate in lieu of a valid and unexpired passport or an unexpired visa accompanied by a Form I-94.

Present law provides that a judge of the First or Second City Courts of the city of New Orleans, a family court judge, a juvenile court judge, any district court judge of a parish, a justice of the peace, or a city court judge may order an issuing official within the territorial jurisdiction of his court to issue a marriage license without the applicant submitting a birth certificate in the event of extenuating circumstances, for good cause shown, and after a hearing finding that the parties have complied with all other requirements, including presentation of the letter signed by the proper registration authority of the foreign state, territory, or country, and other competent evidence that the applicant was born in any state or territory of the U.S.

Proposed law includes judges of parish courts with those who may order an issuing official within the territorial jurisdiction of his court to issue a marriage license without the applicant submitting a birth certificate in the event of extenuating circumstances.

Proposed law deletes the requirement that the applicant be born in any state or territory of the U.S., deletes the requirement of presentation of the letter signed by the proper registration authority of the foreign state, territory, or country, and requires competent evidence of the applicants' birth facts.

(Amends R.S. 9:223(A), 224(A)(6)(a) and (B)(1) and (3), 225(B)(1), 226(A) and (C)(2), and 228; Repeals R.S. 9:223(B))

Summary of Amendments Adopted by House

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

1. Repeal the statutory form for the marriage license.

2. Delete provisions authorizing a retired justice of the peace to waive the requirement to produce a birth certificate and order the issuing official to issue a marriage license.