

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

SENATE BILL NO. 1012

BY: HENDRICK

AS INTRODUCED

AN ACT RELATING TO MARRIAGE; AMENDING 43 O.S. 1991,  
SECTIONS 4 AND 101, WHICH RELATE TO MARRIAGE AND  
DIVORCE; PROVIDING FOR ALTERNATIVE TYPES OF  
MARRIAGE LICENSES; PROVIDING EXCEPTION FOR CERTAIN  
TYPE OF MARRIAGE LICENSE; PROVIDING AN EFFECTIVE  
DATE; AND DECLARING AN EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 43 O.S. 1991, Section 4, is  
amended to read as follows:

Section 4. A. No person shall enter into or contract for the  
marriage relation, nor shall any person perform or solemnize the  
ceremony of any marriage in this state without a license being first  
issued by the judge or clerk of the district court, of some county  
in this state, authorizing the marriage between the persons named in  
such license.

B. Beginning July 1, 1992, the district court shall issue two  
types of marriage licenses which shall be provided by the  
Administrative Office of the Courts and shall encourage disclosure  
of marital intent:

1. "Marriage of commitment" marriage license, which shall contain language disallowing the use of incompatibility as a grounds for divorce by either party to the marriage; and

2. "Marriage of compatibility" marriage license, which shall contain language allowing the use of any statutory ground for divorce by either party to the marriage.

The choice of type of marriage license to be issued shall be in the discretion of the parties requesting the license. Both types of marriage license shall be equally recognized as legal contracts.

SECTION 2. AMENDATORY 43 O.S. 1991, Section 101, is amended to read as follows:

Section 101. The district court may grant a divorce for any of the following causes:

First. Abandonment for one (1) year.

Second. Adultery.

Third. Impotency.

Fourth. When the wife at the time of her marriage, was pregnant by another than her husband.

Fifth. Extreme cruelty.

Sixth. Fraudulent contract.

Seventh. Incompatibility, except when parties have a "marriage of commitment" marriage license as described in Section 4 of this title.

Eighth. Habitual drunkenness.

Ninth. Gross neglect of duty.

Tenth. Imprisonment of the other party in a state or federal penal institution under sentence thereto for the commission of a felony at the time the petition is filed.

Eleventh. The procurement of a final divorce decree without this state by a husband or wife which does not in this state release the other party from the obligations of the marriage.

Twelfth. Insanity for a period of five (5) years, the insane person having been an inmate of a state institution for the insane in the State of Oklahoma, or inmate of a state institution for the insane in some other state for such period, or of a private sanitarium, and affected with a type of insanity with a poor prognosis for recovery; provided, that no divorce shall be granted because of insanity until after a thorough examination of such insane person by three physicians, one of which physicians shall be a superintendent of the hospital or sanitarium for the insane, in which the insane defendant is confined, and the other two physicians to be appointed by the court before whom the action is pending, any two of such physicians shall agree that such insane person, at the time the petition in the divorce action is filed, has a poor prognosis for recovery; provided, further, however, that no divorce shall be granted on this ground to any person whose husband or wife is an inmate of a state institution in any other than the State of Oklahoma, unless the person applying for such divorce shall have been a resident of the State of Oklahoma for at least five (5) years prior to the commencement of an action; and provided further, that a decree granted on this ground shall not relieve the successful party from contributing to the support and maintenance of the defendant. The court shall appoint a guardian ad litem to represent the insane defendant, which appointment shall be made at least ten (10) days before any decree is entered.

SECTION 3. This act shall become effective July 1, 1992.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

