

ENGROSSED HOUSE
BILL NO. 2134

By: Peters and Adkins of the
House

and

Riley of the Senate

An Act relating to marriage and family; amending 43 O.S. 2001, Section 36, which relates to issuance of marriage license; deleting certain requirements for issuing a marriage license; making certain marriages, civil unions, domestic partnerships, and other special relationships unlawful and not recognized; defining terms; repealing 43 O.S. 2001, Sections 31, 32, 33, 34, 35 and 37, which relate to premarital examination for syphilis; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 43 O.S. 2001, Section 36, is amended to read as follows:

Section 36. Marriage licenses shall be issued to all applicants who ~~have complied with the provisions of this act and who are otherwise~~ entitled under the laws of the State of Oklahoma to apply ~~therefor~~ for a marriage license and to contract matrimony. Any person obtaining ~~such a~~ a marriage license from the court clerk shall deliver ~~said the~~ the license, within ten (10) days from the date of issue, to the ~~clergyman~~ clergy or other qualified person who is to officiate before the marriage can be performed. ~~Each such license, when issued, shall have endorsed thereon or annexed thereto, at the end thereof, a statement, subscribed by the person issuing the license, that the application for the license was accompanied by papers complying with the applicable requirements of Sections 1 and 3 of this act relative to examination and health of the parties or, if such compliance was dispensed with, wholly or partly, by order of the judge of the district court, a statement to that effect. The~~

license issued, ~~including the above statement, or including said statement in the certificate duly signed by the person who shall have performed the marriage therein authorized,~~ shall be returned by ~~him~~ the clergy or other qualified person who officiated the marriage to the licensing authority who issued the same within five (5) days succeeding the date of the performance of the marriage therein authorized, and any person or persons who shall willfully neglect to make such return within the time above required shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than One Hundred Dollars (\$100.00) for each and every offense.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3.2 of Title 43, unless there is created a duplication in numbering, reads as follows:

A marriage, civil union, domestic partnership, or other special relationship between persons of the same sex shall be unlawful and not recognized pursuant to subsection (b) of Section 713 of Title 12 of the Oklahoma Statutes.

For purposes of this section, "civil union," "domestic partnership," or "spousal relationship" means a relationship between persons of the same sex which such relationship gives the same rights, benefits, and responsibilities as a marriage recognized in this state.

SECTION 3. REPEALER 43 O.S. 2001, Sections 31, 32, 33, 34, 35 and 37, are hereby repealed.

SECTION 4. This act shall become effective January 1, 2005.

Passed the House of Representatives the 3rd day of March, 2004.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2004.

Presiding Officer of the Senate