

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 2215

By: Ritze

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5
6 AS INTRODUCED

7 An Act relating to marriage; amending 43 O.S. 2011,
8 Section 5, as amended by Section 1, Chapter 192,
9 O.S.L. 2013 (43 O.S. Supp. 2014, Section 5), which
10 relates to marriage licenses; requiring marriage
11 applicant to report if they have undergone sex
12 reassignment surgery; directing marriage license to
13 show which party has undergone the surgery; and
14 providing an effective date.

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

16 SECTION 1. AMENDATORY 43 O.S. 2011, Section 5, as
17 amended by Section 1, Chapter 192, O.S.L. 2013 (43 O.S. Supp. 2014,
18 Section 5), is amended to read as follows:

19 Section 5. A. Persons desiring to be married in this state
20 shall submit an application in writing signed and sworn to in person
21 before the clerk of the district court by both of the parties
22 setting forth:

- 23 1. The place of residence of each party;
- 24 2. The full legal name and the age of each party as they appear
upon or are calculable from a certified copy of the birth
certificate, the current driver license or identification card, the

1 current passport or visa, or any other certificate, license or
2 document issued by or existing pursuant to the laws of any nation or
3 of any state, or political subdivision thereof, accepted as proof of
4 identity and age;

5 3. For each party, the full name by which the party will be
6 known after the marriage, which shall become the full legal name of
7 the party upon the filing of the marriage license and certificate
8 with the court, as required by law; provided, however, a marriage
9 certificate issued prior to June 8, 2006, shall be reissued upon
10 request by the certificate holder to include the information
11 required by this paragraph. Such reissued certificate shall reflect
12 the original marriage date and shall be signed by the court clerk.
13 Signatures of the officiant and original witnesses shall not be
14 required;

15 4. That the parties are not disqualified from or incapable of
16 entering into the marriage relation; ~~and~~

17 5. Whether either party has undergone a sex reassignment or
18 gender reassignment surgery; and

19 6. Whether the parties have successfully completed a premarital
20 counseling program.

21 B. 1. Upon application pursuant to this section and the
22 payment of fees as provided in Section 31 of Title 28 of the
23 Oklahoma Statutes, if the clerk of the district court is satisfied
24 of the truth and sufficiency of the application and that there is no

1 legal impediment to such marriage, the court clerk shall issue the
2 marriage license authorizing the marriage and a marriage
3 certificate, which shall be incorporated as one document. If either
4 party reports on the application that they have undergone a sex
5 reassignment or gender reassignment surgery, the marriage license
6 issued by the court clerk shall state which party has undergone the
7 surgery. As required by law, the marriage certificate shall be
8 completed immediately following the marriage, and the marriage
9 license and certificate shall be returned to the court clerk.

10 2. Parties to be married and who present a certificate to the
11 clerk of the district court that states the parties have completed
12 the premarital counseling program pursuant to Section 5.1 of this
13 title shall be entitled to pay a reduced fee for a marriage license
14 in an amount provided in Section 31 of Title 28 of the Oklahoma
15 Statutes.

16 C. In the event that one or both of the parties are under legal
17 age, the application shall have been on file in the court clerk's
18 office for a period of not less than seventy-two (72) hours prior to
19 issuance of the marriage license.

20 D. The marriage license shall be valid in any county within the
21 state.

22 E. The provisions hereof are mandatory and not directory except
23 under the circumstances set out in the provisions of Section 3 of
24 this title.

1 SECTION 2. This act shall become effective November 1, 2015.

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