STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

HOUSE BILL 2215 By: Ritze

AS INTRODUCED

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

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

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

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

1. The place of residence of each party;

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

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

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

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

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

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

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

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

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

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

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

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

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

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