

Regular Session, 2003

ACT No. 255

SENATE BILL NO. 565

BY SENATORS IRONS, HAINKEL AND BAJOIE AND
REPRESENTATIVE MURRAY

AN ACT

To amend and reenact R.S. 9:242 and 243 and to enact R.S. 9:203(E), relative to non-resident marriages; to provide that certain officiants in Orleans Parish may waive the seventy-two hour delay for non-resident marriages; to provide relative to penalties; to authorize federal judges whose official duty station includes certain municipalities to perform marriage ceremonies; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:242 and 243 are hereby amended and reenacted and R.S. 9:203(E) is hereby enacted to read as follows:

§203. Officiant; judges and justices of the peace

* * *

R.S. 9:203(E) is all new law.

E. A judge of a court of the United States whose official duty station includes a municipality having a population in excess of forty thousand but less than fifty thousand persons according to the latest decennial census or a municipality having a population in excess of two hundred and fifteen thousand but less than two hundred and thirty-five thousand persons according to the latest decennial census may perform marriage ceremonies in the municipality located within his official duty

station. For purposes of this Subsection, "judge" and "official duty station" have the same meaning as provided in 28 U.S.C. 451 and 456, respectively. The authority granted by this Subsection shall terminate on December 31, 2003.

* * *

§242. Waiver of delay

A. A judge or justice of the peace authorized to perform the marriage may waive the seventy-two hour delay upon application of the parties giving serious and meritorious reasons. His certificate authorizing the immediate performance of the ceremony must be attached to the marriage license.

R.S. 9:242(B) is all new law.

B. Notwithstanding the provisions of R.S. 9:241, an officiant, authorized to perform marriage ceremonies in the parish of Orleans may waive the seventy-two hour delay for non-resident parties upon application of the parties giving serious and meritorious reasons. His certificate authorizing the immediate performance of the ceremony shall be attached to the marriage license. For purposes of this Subsection, "non-resident" shall mean a person domiciled or residing in a jurisdiction other than the state of Louisiana.

§243. Penalty

An officiant **who violates R.S. 9:241**, other than a judge or justice of the peace **or an officiant authorized to perform marriage ceremonies in the parish of Orleans and who is authorized to waive the seventy-two hour delay pursuant to the provisions of R.S. 9:242(B)**, ~~who violates R.S. 9:241~~ may have his authority to perform marriage ceremonies revoked by the state registrar of vital records. The

revocation may not exceed one year.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____