

FEB 1 1978

Place On Calendar

Reprinted 2/78

HOUSE FILE 2116

By COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT

(Formerly Study Bill 333)

Passed House, Date 2-16-78 (p 496) Passed Senate, Date _____

Vote: Ayes 80 Nays 13 Vote: Ayes _____ Nays _____

Approved 6-2-78

Motion to reconsider 2/17 (508)

A BILL FOR

1 An Act exempting certain married persons from the requirement
2 that certain information be given prior to a name change.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Acts of the Sixty-seventh General Assembly,
2 1977 Session, chapter one hundred thirty-six (136), section
3 one (1), as it amends chapter five hundred ninety-five (595),
4 Code 1977, is amended to read as follows:

5 Upon marriage either party may request a name change to
6 that of the other party or to some other surname mutually
7 agreed upon by the parties. The names used on the marriage
8 license shall become the legal names of the parties to the
9 marriage. The marriage license shall contain a statement
10 that when a name change is requested and affixed to the
11 marriage license, the new name is the legal name of the
12 requesting party. If the parties request a party requests
13 a name change, other than a change of surname to that of the
14 other spouse, the parties party shall submit to the court
15 the information required by section six hundred seventy-four
16 point two (674.2) of the Code, and upon solemnization of the
17 marriage, the clerk of court shall send a certified copy of
18 the marriage license to the recorder's office in every county
19 in this state where real property is owned by either of the
20 parties. An individual can, however, have only one legal
21 name at any one time.

22 Sec. 2. Section six hundred seventy-four point two (674.2),
23 unnumbered paragraph one (1) and subsection one (1), Code
24 1977, is amended to read as follows:

25 The verified petition shall be addressed to the district
26 court of the county where the applicant resides, and shall
27 state:

28 1. The name of petitioner ~~and that he or she is a resident~~
29 ~~of the county where filed~~ at the time the petition is filed
30 and county of residence of the petitioner.

31 Sec. 3. Section six hundred seventy-four point two (674.2),
32 Code 1977, is amended by adding the following new subsection:

33 NEW SUBSECTION. The name the petitioner proposes to take.

34 Sec. 4. This Act, being deemed of immediate importance,
35 shall take effect and be in force from and after its publica-

1 tion in The DeWitt Observer, a newspaper published in DeWitt,
2 Iowa, and in The Monticello Express, a newspaper published
3 in Monticello, Iowa.

4 EXPLANATION

5 The bill exempts certain married persons from the re-
6 quirement that certain information be given prior to a name
7 change. It also alters the information required to be given
8 in a name change petition under section 674.2.

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HOUSE FILE 2116

Judiciary
DeKoster, Chairperson
Ramsey
Scott

HOUSE FILE 2116

By COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT

HOUSE FILE 2116

H-5324

1 Amend House File 2116 as follows:

2 1. Page 1, by inserting after line 21 the following
3 section:

4 "Sec. _____. Section six hundred twenty-two point
5 seven (622.7), Code 1977, is amended to read as
6 follows:

7 622.7 HUSBAND OR WIFE AS WITNESS. Neither the
8 husband nor wife shall in any case be a witness against
9 the other, except as provided in section seven hundred
10 twenty-six point four (726.4), Code 1977 Supplement,
11 or in any of the following cases:

12 1. In a criminal prosecution for a crime committed
13 one against the other~~7-ex.~~

14 2. In a civil action or proceeding one against
15 the other~~7-ex.~~

16 3. In a civil action by one against a third party
17 for alienating the affections of the other~~7-ex.~~

18 4. In any civil action brought by a judgment
19 creditor against either the husband or the wife, to
20 set aside a conveyance of property from one to the
21 other on the ground of want of consideration or fraud,
22 and to subject the same to the payment of his or her
23 judgment.

24 5. In a criminal prosecution of a felony, the
25 spouse of the person charged may be examined as to
26 any information concerning the alleged crime gained
27 prior to marriage."

28 2. Page 1, by inserting after line 33 the following
29 section:

30 "Sec. _____. Section seven hundred twenty-six point
31 four (726.4), Code 1977 Supplement, is amended to
32 read as follows:

33 726.4 HUSBAND OR WIFE MAY BE WITNESS. In all
34 prosecutions under sections 726.3, 726.5, or 726.6,
35 the husband or wife shall be a competent witness for
36 the state and may testify to any relevant acts or
37 communications between them, anything in previous
38 statutes to the contrary notwithstanding, provided,
39 however, that no husband or wife shall be called or
40 compelled to testify against the other under ~~section~~
41 sections 726.3, 726.5, or 726.6 except upon consent
42 of such witness as to information concerning an alleged
43 felony gained prior to the marriage."

44 3. By renumbering sections to conform with this
45 amendment.

1 Section 1. Acts of the Sixty-seventh General Assembly,
2 1977 Session, chapter one hundred thirty-six (136), section
3 one (1), as it amends chapter five hundred ninety-five (595),
4 Code 1977, is amended to read as follows:

5 Upon marriage either party may request a name change to
6 that of the other party or to some other surname mutually
7 agreed upon by the parties. The names used on the marriage
8 license shall become the legal names of the parties to the
9 marriage. The marriage license shall contain a statement
10 that when a name change is requested and affixed to the
11 marriage license, the new name is the legal name of the
12 requesting party. ~~If the parties request~~ a party requests
13 a name change, other than a change of surname to that of the
14 other spouse or to a hyphenated combination of the surnames
15 of both spouses, the parties party shall submit to the court
16 the information required by section six hundred seventy-four
17 point two (674.2) of the Code, and upon solemnization of the
18 marriage, the clerk of court shall send a certified copy of
19 the marriage license to the recorder's office in every county
20 in this state where real property is owned by either of the
21 parties. An individual can, however, have only one legal
22 name at any one time.

23 Sec. 2. Section six hundred seventy-four point two (674.2),
24 unnumbered paragraph one (1) and subsection one (1), Code
25 1977, is amended to read as follows:

26 The verified petition shall be addressed to the district
27 court of the county where the applicant resides, and shall
28 state:

29 1. The name of petitioner ~~and that he or she is a resident~~
30 ~~of the county where filed~~ at the time the petition is filed
31 and county of residence of the petitioner.

32 Sec. 3. Section six hundred seventy-four point two (674.2),
33 Code 1977, is amended by adding the following new subsection:

34 NEW SUBSECTION. The name the petitioner proposes to take.

35 Sec. 4. This Act, being deemed of immediate importance,

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1 shall take effect and be in force from and after its publica-
 2 tion in The DeWitt Observer, a newspaper published in DeWitt,
 3 Iowa, and in The Monticello Express, a newspaper published
 4 in Monticello, Iowa. This Act shall apply retroactively to
 5 January 1, 1978 to married persons who changed their names
 6 in good faith.

EXPLANATION

7
 8 This bill exempts certain married persons from the requirement
 9 that certain information be given prior to a name change. It also
 10 alters the information required to be given in a name change
 11 petition under section 674.2.

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SENATE AMENDMENT TO
HOUSE FILE 2116

H-6481

1 Amend House File 2116 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 1, by striking lines 5 through 22 and
4 inserting in lieu thereof the following:
5 "Upon marriage either party may request on the
6 application for a marriage license a name change to
7 that of the other party or to some other surname
8 mutually agreed upon by the parties. The names used
9 on the marriage license shall become the legal names
10 of the parties to the marriage. The marriage license
11 shall contain a statement that when a name change
12 is requested and affixed to the marriage license,
13 the new name is the legal name of the requesting
14 party. If ~~the parties request~~ a party requests a
15 name change, other than a change of surname to that
16 of the other spouse or to a hyphenated combination
17 of the surnames of both spouses, the parties party
18 shall request approval of the court pursuant to chapter
19 six hundred seventy-four (674) of the Code and shall
20 submit to the court the information required by section
21 six hundred seventy-four point two (674.2) of the
22 Code, and upon approval of the court and solemnization
23 of the marriage, the clerk of court shall send a
24 certified copy of the return of marriage license to
25 the recorder's office in every county in this state
26 where real property is owned by either of the parties.
27 The judge may approve the name change. The new names
28 and the immediate former names shall appear on the
29 return of marriage, and the return of marriage shall
30 be recorded in the miscellaneous records in the
31 recorder's office. An individual can ~~however~~ have
32 only one legal name at any one time.
33 Sec. ____ . Section six hundred six point fifteen
34 (606.15), subsection twenty-eight (28), Code 1977,
35 is amended to read as follows:
36 28. For issuing marriage licenses, five dollars
37 each ~~and for~~. For issuing marriage licenses when
38 a party requests a name change other than a change
39 of surname to that of the other spouse or to a
40 hyphenated combination of the surnames of both spouses,
41 seven dollars and fifty cents each. Two dollars and
42 fifty cents of the seven dollars and fifty cents shall
43 be paid to the recorder as a recording fee for
44 recording the return of marriage. For issuing an
45 application for an order of the district court
46 authorizing the issuance of a license to marry prior
47 to the expiration of three days from the date of
48 filing the application for the license, five dollars
49 each."

H-6481 2. Page 1, by striking line 35 through page 2,
Page 2

1 line 6.

2 3. Renumbering sections as necessary.

H-6481 FILED
RECEIVED FROM SENATE
MAY 3, 1978

Name corrected 5/3 (p. 2204)

S-5706

- 1 Amend House File 2116 as amended, passed, and
 2 reprinted by the House as follows:
 3 1. Page 1, by striking lines 5 through 22 and
 4 inserting in lieu thereof the following:
 5 "Upon marriage either party may request on the
 6 application for a marriage license a name change to
 7 that of the other party or to some other surname
 8 mutually agreed upon by the parties. The names used
 9 on the marriage license shall become the legal names
 10 of the parties to the marriage. The marriage license
 11 shall contain a statement that when a name change
 12 is requested and affixed to the marriage license,
 13 the new name is the legal name of the requesting
 14 party. If ~~the parties request~~ a party requests a
 15 name change, other than a change of surname to that
 16 of the other spouse or to a hyphenated combination
 17 of the surnames of both spouses, the parties party
 18 shall request approval of the court pursuant to chapter
 19 six hundred seventy-four (674) of the Code and shall
 20 submit to the court the information required by section
 21 six hundred seventy-four point two (674.2) of the
 22 Code, and upon approval of the court and solemnization
 23 of the marriage, the clerk of court shall send a
 24 certified copy of the return of marriage license to
 25 the recorder's office in every county in this state
 26 where real property is owned by either of the parties.
 27 The judge may approve the name change. The new names
 28 and the immediate former names shall appear on the
 29 return of marriage, and the return of marriage shall
 30 be recorded in the miscellaneous records in the
 31 recorder's office. An individual can, ~~however,~~ have
 32 only one legal name at any one time.
 33 Sec. ____ . Section six hundred six point fifteen
 34 (606.15), subsection twenty-eight (28), Code 1977,
 35 is amended to read as follows:
 36 28. For issuing marriage licenses, five dollars
 37 each, ~~and fee~~. For issuing marriage licenses when
 38 a party requests a name change other than a change
 39 of surname to that of the other spouse or to a
 40 hyphenated combination of the surnames of both spouses,
 41 seven dollars and fifty cents each. Two dollars and
 42 fifty cents of the seven dollars and fifty cents shall
 43 be paid to the recorder as a recording fee for
 44 recording the return of marriage. For issuing an
 45 application for an order of the district court
 46 authorizing the issuance of a license to marry prior
 47 to the expiration of three days from the date of
 48 filing the application for the license, five dollars
 49 each."
 50 2. By renumbering sections as necessary.

HOUSE FILE 2116

S-5762

- 1 Amend House File 2116 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, by striking line 35 through page 2,
- 4 line 6.

S-5762 FILED
MAY 2, 1978

Adopted 5/2 (1206)

BY LUCAS J. DeKOSTER
MINNETTE DODERER

HOUSE FILE 2116

S-5736

- 1 Amend House File 2116 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, by striking line 32 through page 2
- 4 line 6.

S-5736 FILED & ADOPTED
MAY 1, 1978

(7/1/78)

BY LUCAS J. DE KOSTER
MINNETTE F. DODERER

Reconsidered & withdrawn 5/3 (1206)

H-5324

1 Amend House File 2116 as follows:

2 1. Page 1, by inserting after line 21 the following
3 section:

4 "Sec. _____. Section six hundred twenty-two point
5 seven (622.7), Code 1977, is amended to read as
6 follows:

7 622.7 HUSBAND OR WIFE AS WITNESS. Neither the
8 husband nor wife shall in any case be a witness against
9 the other, except as provided in section seven hundred
10 twenty-six point four (726.4), Code 1977 Supplement,
11 or in any of the following cases:

12 1. In a criminal prosecution for a crime committed
13 one against the other~~-ex.~~

14 2. In a civil action or proceeding one against
15 the other~~-ex.~~

16 3. In a civil action by one against a third party
17 for alienating the affections of the other~~-ex.~~

18 4. In any civil action brought by a judgment
19 creditor against either the husband or the wife, to
20 set aside a conveyance of property from one to the
21 other on the ground of want of consideration or fraud,
22 and to subject the same to the payment of his or her
23 judgment.

24 5. In a criminal prosecution of a felony, the
25 spouse of the person charged may be examined as to
26 any information concerning the alleged crime gained
27 prior to marriage."

28 2. Page 1, by inserting after line 33 the following
29 section:

30 "Sec. _____. Section seven hundred twenty-six point
31 four (726.4), Code 1977 Supplement, is amended to
32 read as follows:

33 726.4 HUSBAND OR WIFE MAY BE WITNESS. In all
34 prosecutions under sections 726.3, 726.5, or 726.6,
35 the husband or wife shall be a competent witness for
36 the state and may testify to any relevant acts or
37 communications between them, anything in previous
38 statutes to the contrary notwithstanding, provided,
39 however, that no husband or wife shall be called or
40 compelled to testify against the other under section
41 sections 726.3, 726.5, or 726.6 except upon consent
42 of such witness as to information concerning an alleged
43 felony gained prior to the marriage."

44 3. By renumbering sections to conform with this
45 amendment.

HOUSE FILE 2116

H-5269

- 1 Amend House File 2116 as follows:
- 2 1. Page 1, line 14, by inserting after the word
- 3 "spouse" the words "or to a hyphenated combination
- 4 of the surnames of both spouses".

H-5269 FILED. *Adopted 2/16* BY LIPSKY of Linn
FEBRUARY 8, 1978 (*p. 444*)

HOUSE FILE 2116

H-5273

- 1 Amend House File 2116 as follows:
- 2 1. Page 2, line 3, by inserting after the word
- 3 "Iowa." the words "This Act shall apply retroactively
- 4 to January 1, 1978 to married persons who changed
- 5 their names in good faith."

H-5273 FILED. *Adopted 2/16* BY CONLON of Muscatine
FEBRUARY 9, 1978 (*p. 446*)

HOUSE FILE 2116

AN ACT

EXEMPTING CERTAIN MARRIED PERSONS FROM THE REQUIREMENT THAT CERTAIN INFORMATION BE GIVEN PRIOR TO A NAME CHANGE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Acts of the Sixty-seventh General Assembly, 1977 Session, chapter one hundred thirty-six (136), section one (1), as it amends chapter five hundred ninety-five (595), Code 1977, is amended to read as follows:

Upon marriage either party may request on the application for a marriage license a name change to that of the other party or to some other surname mutually agreed upon by the parties. The names used on the marriage license shall become the legal names of the parties to the marriage. The marriage license shall contain a statement that when a name change is requested and affixed to the marriage license, the new name is the legal name of the requesting party. ~~If the parties request~~ a party requests a name change, other than a change of surname to that of the other spouse or to a hyphenated combination of the surnames of both spouses, the ~~parties~~ party shall request approval of the court pursuant to chapter six hundred seventy-four (674) of the Code and shall submit to

the court the information required by section six hundred seventy-four point two (674.2) of the Code, and upon approval of the court and solemnization of the marriage, the clerk of court shall send a certified copy of the return of marriage license to the recorder's office in every county in this state where real property is owned by either of the parties. The judge may approve the name change. The new names and the immediate former names shall appear on the return of marriage, and the return of marriage shall be recorded in the miscellaneous records in the recorder's office. An individual ~~can, however,~~ have only one legal name at any one time.

Sec. 2. Section six hundred six point fifteen (606.15), subsection twenty-eight (28), Code 1977, is amended to read as follows:

28. For issuing marriage licenses, five dollars each, ~~and for.~~ For issuing marriage licenses when a party requests a name change other than a change of surname to that of the other spouse or to a hyphenated combination of the surnames of both spouses, seven dollars and fifty cents each. Two dollars and fifty cents of the seven dollars and fifty cents shall be paid to the recorder as a recording fee for recording the return of marriage. For issuing an application for an order of the district court authorizing the issuance of a license to marry prior to the expiration of three days from the date of filing the application for the license, five dollars each.

Sec. 3. Section six hundred seventy-four point two (674.2), unnumbered paragraph one (1) and subsection one (1), Code 1977, is amended to read as follows:

The verified petition shall be addressed to the district court of the county where the applicant resides, and shall state:

1. The name of petitioner ~~and that he or she is a resident of the county where filed~~ at the time the petition is filed and county of residence of the petitioner.

Sec. 4. Section six hundred seventy-four point two (674.2), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. The name the petitioner proposes to take.

DALE M. COCHRAN
Speaker of the House

ARTHUR A. NEU
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2116, Sixty-seventh General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved June 2, 1978

ROBERT D. RAY
Governor