

House File 2479 - Introduced

HOUSE FILE _____
BY ALONS, DE BOEF, RAYHONS,
CHAMBERS, WINDSCHITL, WORTHAN,
SODERBERG, FORRISTALL, L. MILLER,
HORBACH, S. OLSON, SANDS, MERTZ,
VAN ENGELENHOVEN, PETTENGILL,
and HEATON

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to requirements for marriage and providing a
2 penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5155YH 82
5 pf/nh/5

PAG LIN

1 1 Section 1. Section 595.4, Code 2007, is amended to read as
1 2 follows:
1 3 595.4 AGE AND QUALIFICATION == RESIDENCY == VERIFIED
1 4 APPLICATION == WAITING PERIOD == EXCEPTION.
1 5 1. a. Previous to the issuance of any license to marry,
1 6 the parties desiring the license shall sign and file a
1 7 verified application with the county registrar which
1 8 application either may be mailed to the parties at their
1 9 request or may be signed by them at the office of the county
1 10 registrar in the county in which the license is to be issued.
1 11 b. The application shall include the social security
1 12 number of each applicant and shall set forth at least one
1 13 affidavit of some competent and disinterested person stating
1 14 the facts as to age and qualification of the parties.
1 15 c. The application shall also include a statement by the
1 16 parties under penalty of perjury, specifying one of the
1 17 following:
1 18 (1) If either party resides in the state, the county in
1 19 which the party resides and the length of such residence in
1 20 the state and that the maintenance of the residence in the
1 21 state has been in good faith and not for the primary purpose
1 22 of obtaining a license to marry in this state.
1 23 (2) If neither party resides in the state, the state or
1 24 other jurisdiction of residence of each party, and whether the
1 25 parties intend to reside in this state following their
1 26 marriage or intend to continue to reside in another state or
1 27 other jurisdiction following their marriage.
1 28 d. Upon the filing of the application for a license to
1 29 marry, the county registrar shall file the application in a
1 30 record kept for that purpose and shall take all necessary
1 31 steps to ensure the confidentiality of the social security
1 32 number of each applicant.
1 33 e. All information included on an application may be
1 34 provided as mutually agreed upon by the division of records
1 35 and statistics and the child support recovery unit, including
2 1 by automated exchange.
2 2 2. Upon receipt of a verified application, the county
2 3 registrar may issue the license which shall not become valid
2 4 until the expiration of three days after the date of issuance
2 5 of the license. If the license has not been issued within six
2 6 months from the date of the application, the application is
2 7 void.
2 8 3. A license to marry may be validated prior to the
2 9 expiration of three days from the date of issuance of the
2 10 license in cases of emergency or extraordinary circumstances.
2 11 An order authorizing the validation of a license may be
2 12 granted by a judge of the district court under conditions of
2 13 emergency or extraordinary circumstances upon application of
2 14 the parties filed with the county registrar. No order may be
2 15 granted unless the parties have filed an application for a

2 16 marriage license in a county within the judicial district. An
2 17 application for an order shall be made on forms furnished by
2 18 the county registrar at the same time the application for the
2 19 license to marry is made. After examining the application for
2 20 the marriage license and issuing the license, the county
2 21 registrar shall refer the parties to a judge of the district
2 22 court for action on the application for an order authorizing
2 23 the validation of a marriage license prior to expiration of
2 24 three days from the date of issuance of the license. The
2 25 judge shall, if satisfied as to the existence of an emergency
2 26 or extraordinary circumstances, grant an order authorizing the
2 27 validation of a license to marry prior to the expiration of
2 28 three days from the date of issuance of the license to marry.
2 29 The county registrar shall validate a license to marry upon
2 30 presentation by the parties of the order authorizing a license
2 31 to be validated. A fee of five dollars shall be paid to the
2 32 county registrar at the time the application for the order is
2 33 made, which fee is in addition to the fee prescribed by law
2 34 for the issuance of a marriage license.

2 35 Sec. 2. Section 595.9, Code 2007, is amended to read as
3 1 follows:

3 2 595.9 VIOLATIONS == PERJURY.

3 3 1. If a marriage is solemnized without procuring a
3 4 license, the parties married, and all persons aiding them, are
3 5 guilty of a simple misdemeanor.

3 6 2. If a party knowingly makes a false statement in an
3 7 application for marriage regarding the residency of the

3 8 parties, the parties married are guilty of perjury and shall
3 9 be punished as provided in section 720.2.

3 10 Sec. 3. NEW SECTION. 595.21 NONRESIDENTS == MARRIAGE
3 11 CONTRARY TO LAWS OF STATE OF RESIDENCE.

3 12 A marriage which is contracted in this state by a party
3 13 residing and intending to continue to reside in another
3 14 jurisdiction:

3 15 1. Is valid if such marriage would be valid if contracted
3 16 in the other jurisdiction.

3 17 2. Is void if such marriage would not be valid if
3 18 contracted in the other jurisdiction.

3 19 EXPLANATION

3 20 This bill relates to marriages in the state of Iowa.

3 21 The bill requires that an application for marriage include
3 22 a statement by the parties specifying one of the following:

3 23 if either party resides in the state, the county in which the
3 24 party resides and the length of such residence in the state
3 25 and that the maintenance of the residence in the state has
3 26 been in good faith and not for the sole purpose of obtaining a
3 27 license to marry in this state; or if neither party resides in
3 28 the state, the state or other jurisdiction of residence of
3 29 each party, and whether the parties intend to reside in this
3 30 state following their marriage or intend to continue to reside
3 31 in another state or other jurisdiction following their
3 32 marriage.

3 33 The bill also provides that if a party knowingly makes a
3 34 false statement in an application for marriage, the parties
3 35 married are guilty of perjury, which is a class "D" felony,
4 1 and is punishable by confinement for no more than five years
4 2 and a fine of at least \$750 but not more than \$7,500.

4 3 The bill also includes provisions relating to a marriage
4 4 contracted in this state by a party residing in another
4 5 jurisdiction. The bill provides that such a marriage is valid
4 6 if such marriage would be valid if contracted in the other
4 7 jurisdiction and is void if such marriage would not be valid
4 8 if contracted in the other jurisdiction.

4 9 LSB 5155YH 82

4 10 pf/nh/5.3