

1 STATE OF OKLAHOMA

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

3 SENATE BILL 811

By: Dahm

4  
5  
6 AS INTRODUCED

7 An Act relating to marriage requirements; amending 43  
8 O.S. 2011, Sections 4, 7 and 15, which relate to  
9 license, solemnization and offenses; creating  
10 exception to certain licensing requirement;  
11 construing provisions; modifying elements of certain  
12 offense; and providing an effective date.

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

14 SECTION 1. AMENDATORY 43 O.S. 2011, Section 4, is  
15 amended to read as follows:

16 Section 4. No person shall enter into or contract the marriage  
17 relation, nor shall any person perform or solemnize the ceremony of  
18 any marriage in this state without a license being first issued by  
19 the judge or clerk of the district court, of some county in this  
20 state, authorizing the marriage between the persons named in such  
21 license. Provided, however, nothing in this section shall prevent a  
22 minister of the Gospel or other similarly situated officiant whose  
23 sincerely held faith, doctrine, practice, or conscience forbids the  
24 requirement of a state-issued marriage license prior to a marriage,  
from solemnizing a marriage within his or her community of faith

1 without a prior issued state license. The minister shall provide  
2 the parties entering into the marriage a written statement advising  
3 that they are responsible for obtaining civil recognition of the  
4 marriage if civil recognition is desired by the parties. The  
5 minister may, at his or her discretion, request the parties to sign  
6 a copy of the statement indicating receipt, and file the copy with  
7 the court clerk. Upon production of a true copy of such document,  
8 whether filed or not, the minister shall not be subjected to any  
9 civil or criminal liability for solemnizing the marriage.

10 SECTION 2. AMENDATORY 43 O.S. 2011, Section 7, is  
11 amended to read as follows:

12 Section 7. A. All marriages must be contracted by a formal  
13 ceremony performed or solemnized in the presence of at least two  
14 adult, competent persons as witnesses, by a judge or retired judge  
15 of any court in this state, or an ordained or authorized preacher or  
16 minister of the Gospel, priest or other ecclesiastical dignitary of  
17 any denomination who has been duly ordained or authorized by the  
18 church to which he or she belongs to preach the Gospel, or a rabbi  
19 and who is at least eighteen (18) years of age.

20 B. 1. The judge shall place his or her order of appointment on  
21 file with the office of the court clerk of the county in which he or  
22 she resides.

23 2. The preacher, minister, priest, rabbi, or ecclesiastical  
24 dignitary who is a resident of this state shall have filed, in the

1 office of the court clerk of the county in which he or she resides,  
2 a copy of the credentials or authority from his or her church or  
3 synagogue authorizing him or her to solemnize marriages.

4 3. The preacher, minister, priest, rabbi, or ecclesiastical  
5 dignitary who is not a resident of this state, but has complied with  
6 the laws of the state of which he or she is a resident, shall have  
7 filed once, in the office of the court clerk of the county in which  
8 he or she intends to perform or solemnize a marriage, a copy of the  
9 credentials or authority from his or her church or synagogue  
10 authorizing him or her to solemnize marriages.

11 4. The filing by resident or nonresident preachers, ministers,  
12 priests, rabbis, ecclesiastical dignitaries or judges shall be  
13 effective in and for all counties of this state; provided, no fee  
14 shall be charged for such recording.

15 C. No person herein authorized to perform or solemnize a  
16 marriage ceremony shall do so unless the license issued therefor be  
17 first delivered into his or her possession nor unless he or she has  
18 good reason to believe the persons presenting themselves before him  
19 or her for marriage are the identical persons named in the license,  
20 and for whose marriage the same was issued, and that there is no  
21 legal objection or impediment to such marriage.

22 D. Marriages between persons belonging to the society called  
23 Friends, or Quakers, the spiritual assembly of the Baha'is, or the  
24 Church of Jesus Christ of Latter Day Saints, which have no ordained

1 minister, may be solemnized by the persons and in the manner  
2 prescribed by and practiced in any such society, church, or  
3 assembly.

4 E. Nothing in this section shall prevent any minister of the  
5 Gospel whose sincerely held faith, doctrine, practice or conscience  
6 forbids the requirement of a state-issued license from solemnizing a  
7 marriage within his or her community of faith as provided in Section  
8 4 of this title.

9 SECTION 3. AMENDATORY 43 O.S. 2011, Section 15, is  
10 amended to read as follows:

11 Section 15. Any judge of the district court, or clerk of the  
12 district court, knowingly issuing any marriage license, or  
13 concealing any record thereof, contrary to the provisions of this  
14 chapter, or any person knowingly performing or solemnizing the  
15 marriage ceremony contrary to any of the provisions of this chapter  
16 with fraudulent or criminal intent, shall be guilty of a misdemeanor  
17 and upon conviction thereof shall be punished by a fine of not less  
18 than One Hundred Dollars (\$100.00) nor more than Five Hundred  
19 Dollars (\$500.00), or by imprisonment in the county jail not less  
20 than thirty (30) days nor more than one (1) year or by both such  
21 fine and imprisonment.

22 SECTION 4. This act shall become effective November 1, 2015.

23  
24 55-1-568 TEK 1/22/2015 9:36:52 PM