

AMENDED IN SENATE APRIL 18, 2006

AMENDED IN SENATE APRIL 5, 2006

SENATE BILL

No. 1364

Introduced by Senator Battin

February 21, 2006

An act to add Section 351.5 to the Family Code, relating to marriage licenses.

LEGISLATIVE COUNSEL'S DIGEST

SB 1364, as amended, Battin. Marriage licenses: public safety officials *and peace officers*.

Existing law provides for the issuance of *certificates of registry of marriage and* marriage licenses, and imposes duties on county clerks in that regard, as specified. Existing law requires that a *certificate of registry and a* marriage license show the identity of the parties to the marriage, the parties' real and full names, places of residence, and ages, and one or more witness attestations and the witnesses' name and place of residence.

This bill would except from the requirement that a *certificate of registry and a* marriage license show the parties' or witnesses' places of residence, upon request by an applicant or witness who is a public safety official, as defined, *or is a parole or probation officer*. Upon that request, the bill would require the county clerk to require reasonable documentation that the applicant or witness is a public safety official *or a parole or probation officer*. By adding to the duties of county employees in that regard, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 351.5 is added to the Family Code, to
2 read:

3 351.5. (a) Notwithstanding subdivision (b) of Section 351 or
4 359 of this code, or Section 103175 of the Health and Safety
5 Code, if either of the applicants ~~for~~, for, or any witness to, a
6 certificate of registry of marriage and a marriage license is a
7 public safety official, as defined in Section 6254.24 of the
8 Government Code, or a parole or probation officer, as described
9 in Section 830.5 of the Penal Code, at the request of that
10 applicant or witness, the certificate of registry and the license
11 shall not show the places of residence of the parties or that
12 witness.

13 (b) A county clerk shall require reasonable documentation that
14 the applicant or witness is a public safety official, or a parole or
15 probation officer, whenever an applicant requests that a
16 certificate of registry and license be issued, or a witness is
17 required to attest to ~~a~~ the certificate of registry and license,
18 pursuant to subdivision (a).

19 SEC. 2. If the Commission on State Mandates determines that
20 this act contains costs mandated by the state, reimbursement to
21 local agencies and school districts for those costs shall be made
22 pursuant to Part 7 (commencing with Section 17500) of Division
23 4 of Title 2 of the Government Code.

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