

AMENDED IN SENATE JUNE 8, 2005

AMENDED IN ASSEMBLY MAY 2, 2005

AMENDED IN ASSEMBLY APRIL 14, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1102

Introduced by Assembly Member Hancock

February 22, 2005

An act to amend Sections 300, 302, 303, 306, 307, 309, 351, 354, 355, 357, 358, 359, 360, 400, 420, 422, 425, 500, 501, 502, 503, 505, 506, 508, 509, 510, 511, 530, 531, 532, 533, 534, 535, and 536 of, to amend the heading of Part 2 (commencing with Section 350) of Division 3 of, to add Section 426 to, and to repeal Sections 353 and 424 of, the Family Code, and to amend Sections 100430, 102130, 102140, 102310, 102325, 102355, 103125, 103175, 103180, 103200, 103235, 103730, 103780, and 103785 of, and to repeal Section 103595 of, the Health and Safety Code, relating to marriage.

LEGISLATIVE COUNSEL'S DIGEST

AB 1102, as amended, Hancock. Marriage.

Existing law provides that marriage is a personal relation arising out of a civil contract between a man and a woman, and requires the licensure and solemnization thereof. Existing law provides for the issuance of marriage and confidential marriage licenses and sets the fees thereof. Existing law further imposes duties on county clerks in that connection, as specified.

This bill would, ~~among other things~~ operative January 1, 2007, revise and recast those provisions and related terms. ~~The~~ *Among other things, the* bill would conform various statutory provisions of law to

those changes. The bill would further regulate the issuance of confidential marriage licenses based upon an inability of the parties to appear, as specified, and would make related changes with regard to notaries public and the State Registrar. In issuing a duplicate marriage license or confidential marriage license, the bill would allow the county clerk to charge any fee to cover the actual costs of issuing that duplicate license, and would change the fee charged notaries public for approval to issue confidential marriage licenses to ~~\$400~~ \$300.

By adding to the duties of county employees to comply with those changes, this 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 no reimbursement is required by this act for a specified reason.

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 300 of the Family Code is amended to
2 read:

3 300. (a) Marriage is a personal relation arising out of a civil
4 contract between a man and a woman, to which the consent of
5 the parties capable of making that contract is necessary. Consent
6 alone does not constitute marriage. Consent must be followed by
7 the issuance of a license and solemnization as authorized by this
8 division, except as provided by Section 425 and Part 4
9 (commencing with Section 500).

10 (b) For purposes of this part, the document issued by the
11 county clerk is a marriage license until it is registered with the
12 county recorder, at which time the license becomes a marriage
13 certificate.

14 SEC. 2. Section 302 of the Family Code is amended to read:

15 302. (a) An unmarried male or female under the age of 18
16 years is capable of consenting to and consummating marriage
17 upon obtaining a court order granting permission to the underage
18 person or persons to marry.

1 (b) The court order and written consent of the parents of each
2 underage person, or of one of the parents or the guardian of each
3 underage person shall be filed with the clerk of the court, and a
4 certified copy of the order shall be presented to the county clerk
5 at the time the marriage license is issued.

6 SEC. 3. Section 303 of the Family Code is amended to read:

7 303. If it appears to the satisfaction of the court by
8 application of a minor that the minor requires a written consent to
9 marry and that the minor has no parent or has no parent capable
10 of consenting, the court may make an order consenting to the
11 issuance of a marriage license and granting permission to the
12 minor to marry. The order shall be filed with the clerk of the
13 court and a certified copy of the order shall be presented to the
14 county clerk at the time the marriage license is issued.

15 SEC. 4. Section 306 of the Family Code is amended to read:

16 306. Except as provided in Section 307, a marriage shall be
17 licensed, solemnized, and authenticated, and the authenticated
18 marriage license shall be returned to the county recorder of the
19 county where the marriage license was issued, as provided in this
20 part. Noncompliance with this part by a nonparty to the marriage
21 does not invalidate the marriage.

22 SEC. 5. Section 307 of the Family Code is amended to read:

23 307. This division, so far as it relates to the solemnizing of
24 marriage, is not applicable to members of a particular religious
25 society or denomination not having clergy for the purpose of
26 solemnizing marriage or entering the marriage relation, if all of
27 the following requirements are met:

28 (a) The parties to the marriage sign and endorse on the form
29 prescribed by the State Department of Health Services, showing
30 all of the following:

31 (1) The fact, time, and place of entering into the marriage.

32 (2) The printed names, signatures, and mailing addresses of
33 two witnesses to the ceremony.

34 (3) The religious society or denomination of the parties to the
35 marriage, and that the marriage was entered into in accordance
36 with the rules and customs of that religious society or
37 denomination. The statement of the parties to the marriage that
38 the marriage was entered into in accordance with the rules and
39 customs of the religious society or denomination is conclusively
40 presumed to be true.

1 (b) The License and Certificate of Non-Clergy Marriage,
2 endorsed pursuant to subdivision (a), is returned to the county
3 recorder of the county in which the license was issued within 10
4 days after the ceremony.

5 SEC. 6. Section 309 of the Family Code is amended to read:
6 309. If either party to a marriage denies the marriage, or
7 refuses to join in a declaration of the marriage, the other party
8 may proceed, by action pursuant to Section 103450 of the Health
9 and Safety Code, to have the validity of the marriage determined
10 and declared.

11 SEC. 7. The heading of Part 2 (commencing with Section
12 350) of Division 3 of the Family Code is amended to read:

13
14 PART 2. MARRIAGE LICENSE

15
16 SEC. 8. Section 351 of the Family Code is amended to read:
17 351. The marriage license shall show all of the following:
18 (a) The identity of the parties to the marriage.
19 (b) The parties' full given names at birth or by court order, and
20 mailing addresses.

21 (c) The parties' dates of birth.

22 SEC. 9. Section 353 of the Family Code is repealed.

23 SEC. 10. Section 354 of the Family Code is amended to read:
24 354. (a) Each applicant for a marriage license shall be
25 required to present authentic photo identification acceptable to
26 the county clerk as to name and date of birth. A credible witness
27 affidavit or affidavits may be used in lieu of authentic photo
28 identification.

29 (b) For the purpose of ascertaining the facts mentioned or
30 required in this part, if the clerk deems it necessary, the clerk
31 may examine the applicants for a marriage license on oath at the
32 time of the application. The clerk shall reduce the examination to
33 writing and the applicants shall sign it.

34 (c) If necessary, the clerk may request additional documentary
35 proof as to the accuracy of the facts stated.

36 (d) Applicants for a marriage license shall not be required to
37 state, for any purpose, their race or color.

38 (e) If a marriage is to be entered into pursuant to subdivision
39 (b) of Section 420, the attorney in fact shall comply with the

1 requirements of this section on behalf of the applicant who is
2 overseas, if necessary.

3 SEC. 11. Section 355 of the Family Code is amended to read:

4 355. (a) The forms for the marriage license shall be
5 prescribed by the State Department of Health Services, and shall
6 be adapted to set forth the facts required in this part.

7 (b) The marriage license shall include an affidavit, which the
8 applicants shall sign, affirming that they have received the
9 brochure provided for in Section 358. If the marriage is to be
10 entered into pursuant to subdivision (b) of Section 420, the
11 attorney in fact shall sign the affidavit on behalf of the applicant
12 who is overseas.

13 SEC. 12. Section 357 of the Family Code is amended to read:

14 357. (a) The county clerk shall number each marriage license
15 issued and shall transmit at periodic intervals to the county
16 recorder a list or copies of the licenses issued.

17 (b) Not later than 60 days after the date of issuance, the county
18 recorder shall notify licenseholders whose marriage license has
19 not been returned of that fact and that the marriage license will
20 automatically expire on the date shown on its face.

21 (c) The county recorder shall notify the licenseholders of the
22 obligation of the person solemnizing their marriage to return the
23 marriage license to the recorder's office within 10 days after the
24 ceremony.

25 SEC. 13. Section 358 of the Family Code is amended to read:

26 358. (a) The State Department of Health Services shall
27 prepare and publish a brochure that shall contain the following:

28 (1) Information concerning the possibilities of genetic defects
29 and diseases and ~~contain~~ a listing of centers available for the
30 testing and treatment of genetic defects and diseases.

31 (2) Information concerning acquired immunodeficiency
32 syndrome (AIDS) and the availability of testing for antibodies to
33 the probable causative agent of AIDS.

34 (3) Information concerning domestic violence, including
35 resources available to victims and a statement that physical,
36 emotional, psychological, and sexual abuse, and assault and
37 battery, are against the law.

38 (b) The State Department of Health Services shall make the
39 brochures available to county clerks who shall distribute a copy
40 of the brochure to each applicant for a marriage license,

1 including applicants for a confidential marriage license and
2 notaries public receiving a confidential marriage license pursuant
3 to Section 503.

4 (c) Each notary public issuing a confidential marriage license
5 under Section 503 shall distribute a copy of the brochure to the
6 applicants for a confidential marriage license.

7 (d) To the extent possible, the State Department of Health
8 Services shall seek to combine in a single brochure all statutorily
9 required information for marriage license applicants.

10 SEC. 14. Section 359 of the Family Code is amended to read:

11 359. (a) Except as provided in Sections 420 and 426,
12 applicants to be married shall first appear together in person
13 before the county clerk to obtain a marriage license.

14 (b) The contents of the marriage license are provided in Part 1
15 (commencing with Section 102100) of Division 102 of the
16 Health and Safety Code.

17 (c) The issued marriage license shall be presented to the
18 person solemnizing the marriage by the parties to be married.

19 (d) The person solemnizing the marriage shall complete the
20 solemnization sections on the marriage license, and shall cause to
21 be entered on the marriage license the printed name, signature,
22 and mailing address of at least one, and no more than two,
23 witnesses to the marriage ceremony.

24 (e) The marriage license shall be returned by the person
25 solemnizing the marriage to the county recorder of the county in
26 which the license was issued within 10 days after the ceremony.

27 (f) As used in this division, “returned” means presented to the
28 appropriate person in person, or postmarked, before the
29 expiration of the specified time period.

30 SEC. 15. Section 360 of the Family Code is amended to read:

31 360. (a) If a marriage license is lost, damaged, or destroyed
32 after the marriage ceremony, but before it is returned to the
33 county recorder, or deemed unacceptable for registration by the
34 county recorder, the person solemnizing the marriage, in order to
35 comply with Section 359, shall obtain a duplicate marriage
36 license by filing an affidavit setting forth the facts with the
37 county clerk of the county in which the license was issued.

38 (b) The duplicate marriage license may not be issued later than
39 one year after issuance of the original license and shall be
40 returned by the person solemnizing the marriage to the county

1 recorder within one year of the issuance date shown on the
2 original marriage license.

3 (c) The county clerk may charge a fee to cover the actual costs
4 of issuing a duplicate marriage license.

5 (d) If a marriage license is lost, damaged, or destroyed before
6 a marriage ceremony takes place, the applicants shall purchase a
7 new marriage license and the old license shall be voided.

8 SEC. 16. Section 400 of the Family Code is amended to read:

9 400. Marriage may be solemnized by any of the following
10 who is of the age of 18 years or older:

11 (a) A priest, minister, rabbi, or authorized person of any
12 religious denomination.

13 (b) A judge or retired judge, commissioner of civil marriages
14 or retired commissioner of civil marriages, commissioner or
15 retired commissioner, or assistant commissioner of a court of
16 record in this state.

17 (c) A judge or magistrate who has resigned from office.

18 (d) Any of the following judges or magistrates of the United
19 States:

20 (1) A justice or retired justice of the United States Supreme
21 Court.

22 (2) A judge or retired judge of a court of appeals, a district
23 court, or a court created by an act of Congress the judges of
24 which are entitled to hold office during good behavior.

25 (3) A judge or retired judge of a bankruptcy court or a tax
26 court.

27 (4) A United States magistrate or retired magistrate.

28 (e) A legislator or constitutional officer of this state or a
29 Member of Congress who represents a district within this state,
30 while that person holds office.

31 SEC. 17. Section 420 of the Family Code is amended to read:

32 420. (a) No particular form for the ceremony of marriage is
33 required for solemnization of the marriage, but the parties shall
34 declare, in the physical presence of the person solemnizing the
35 marriage and necessary witnesses, that they take each other as
36 husband and wife.

37 (b) Notwithstanding subdivision (a), a member of the Armed
38 Forces of the United States who is stationed overseas and serving
39 in a conflict or a war and is unable to appear for the licensure and
40 solemnization of the marriage may enter into that marriage by the

1 appearance of an attorney in fact, commissioned and empowered
 2 in writing for that purpose through a power of attorney. The
 3 attorney in fact must personally appear at the county clerk’s
 4 office with the party who is not stationed overseas, and present
 5 the original power of attorney duly signed by the party stationed
 6 overseas and acknowledged by a notary or witnessed by two
 7 officers of the United States Armed Forces. Copies in any form,
 8 including by facsimile, are not acceptable. The power of attorney
 9 shall state the full given names at birth, or by court order, of the
 10 parties to be married, and that the power of attorney is solely for
 11 the purpose of authorizing the attorney in fact to obtain a
 12 marriage license on the person’s behalf and participate in the
 13 solemnization of the marriage. The original power of attorney
 14 shall be a part of the marriage certificate upon registration.

15 (c) No contract of marriage, if otherwise duly made, shall be
 16 invalidated for want of conformity to the requirements of any
 17 religious sect.

18 SEC. 18. Section 422 of the Family Code is amended to read:

19 422. The person solemnizing a marriage shall, sign and print
 20 or type upon the marriage license a statement, in the form
 21 prescribed by the State Department of Health Services, showing
 22 all of the following:

23 (a) The fact, date (month, day, year), and place (city and
 24 county) of solemnization.

25 (b) The printed names, signatures, and mailing addresses of at
 26 least one, and no more than two, witnesses to the ceremony.

27 (c) The official position of the person solemnizing the
 28 marriage, or of the denomination of which that person is a priest,
 29 minister, rabbi, or other authorized person of any religious
 30 denomination.

31 (d) The person solemnizing the marriage shall also type or
 32 print his or her name and mailing address.

33 SEC. 19. Section 424 of the Family Code is repealed.

34 SEC. 20. Section 425 of the Family Code is amended to read:

35 425. If no record of the solemnization of a California
 36 marriage previously contracted under this division for that
 37 marriage is known to exist, the parties may purchase a License
 38 and Certificate of Declaration of Marriage from the county clerk
 39 in the parties’ county of residence one year or more from the date
 40 of the marriage. The license and certificate shall be returned to

1 the county recorder of the county in which the license was
2 issued.

3 SEC. 21. Section 426 is added to the Family Code, to read:

4 426. If for sufficient reason, as described in subdivision (d),
5 either or both of the parties to be married are physically unable to
6 appear in person before the county clerk, a marriage license may
7 be issued by the county clerk to the person solemnizing the
8 marriage if the following requirements are met:

9 (a) The person solemnizing the marriage physically presents
10 an affidavit to the county clerk explaining the reason for the
11 inability to appear.

12 (b) The affidavit is signed under penalty of perjury by the
13 person solemnizing the marriage and by both parties.

14 (c) The signature of any party to be married who is unable to
15 appear in person before the county clerk is authenticated by a
16 notary public or a court prior to the county clerk issuing the
17 marriage license.

18 (d) Sufficient reason includes proof of hospitalization,
19 incarceration, or any other reason proved to the satisfaction of the
20 county clerk.

21 SEC. 22. Section 500 of the Family Code is amended to read:

22 500. (a) An unmarried man and an unmarried woman, not
23 minors, may be married pursuant to this chapter by a person
24 authorized to solemnize a marriage under Chapter 1
25 (commencing with Section 400) of Part 3.

26 (b) For purposes of this part, the document issued by the
27 county clerk is a marriage license until it is registered with the
28 county clerk, at which time the license becomes a marriage
29 certificate.

30 SEC. 23. Section 501 of the Family Code is amended to read:

31 501. Except as provided in Section 502, a confidential
32 marriage license shall be issued by the county clerk upon the
33 personal appearance together of the parties to be married and
34 their payment of the fees required by Sections 26840.1 and
35 26840.8 of the Government Code and any fee imposed pursuant
36 to the authorization of Section 26840.3 of the Government Code.

37 SEC. 24. Section 502 of the Family Code is amended to read:

38 502. If for sufficient reason, as described in subdivision (d),
39 either or both of the parties to be married are physically unable to
40 appear in person before the county clerk, a confidential marriage

1 license may be issued by the county clerk to the person
 2 solemnizing the marriage if the following requirements are met:

3 (a) The person solemnizing the marriage physically presents
 4 an affidavit to the county clerk explaining the reason for the
 5 inability to appear.

6 (b) The affidavit is signed under penalty of perjury by the
 7 person solemnizing the marriage and by both parties.

8 (c) The signature of any party to be married who is unable to
 9 appear in person before the county clerk is authenticated by a
 10 notary public or a court prior to the county clerk issuing the
 11 confidential marriage license.

12 (d) Sufficient reason includes proof of hospitalization,
 13 incarceration, or any other reason proved to the satisfaction of the
 14 county clerk.

15 SEC. 25. Section 503 of the Family Code is amended to read:

16 503. The county clerk shall issue a confidential marriage
 17 license upon the request of a notary public approved by the
 18 county clerk to issue confidential marriage licenses pursuant to
 19 Chapter 2 (commencing with Section 530) and upon payment by
 20 the notary public of the fees specified in Sections 26840.1 and
 21 26840.8 of the Government Code. The parties shall reimburse a
 22 notary public who issues a confidential marriage license for the
 23 amount of the fees.

24 SEC. 26. Section 505 of the Family Code is amended to read:

25 505. (a) The form of the confidential marriage license shall
 26 be prescribed by the State Registrar of Vital Statistics.

27 (b) The form shall be designed to require that the parties to be
 28 married declare or affirm that they meet all of the requirements
 29 of this chapter.

30 (c) The form shall include an affidavit, which the bride and
 31 groom shall sign, affirming that they have received the brochure
 32 provided for in Section 358.

33 SEC. 27. Section 506 of the Family Code is amended to read:

34 506. (a) The confidential marriage license shall be presented
 35 to the person solemnizing the marriage.

36 (b) Upon performance of the ceremony, the solemnization
 37 section on the confidential marriage license shall be completed
 38 by the person solemnizing the marriage.

39 (c) The confidential marriage license shall be returned by the
 40 person solemnizing the marriage to the office of the county clerk

1 in the county in which the license was issued within 10 days after
2 the ceremony.

3 SEC. 28. Section 508 of the Family Code is amended to read:

4 508. Upon issuance of a confidential marriage license, parties
5 shall be provided with an application to obtain a certified copy of
6 the confidential marriage certificate from the county clerk.

7 SEC. 29. Section 509 of the Family Code is amended to read:

8 509. (a) A party to a confidential marriage may obtain a
9 certified copy of the confidential marriage certificate from the
10 county clerk of the county in which the certificate is filed in any
11 of the following ways:

12 (1) By submitting the application for a certified copy of the
13 confidential marriage certificate provided to the parties pursuant
14 to Section 508.

15 (2) By personally appearing before a notary public or at the
16 county clerk's office in the party's county of residence,
17 producing valid photo identification, obtaining a certificate
18 attesting to the party's identity from the notary public or county
19 clerk, and mailing or faxing that certificate, together with a
20 request for the certified copy of the confidential marriage
21 certificate, to the county clerk of the county with which the
22 certificate is filed.

23 (3) By personally appearing at the county clerk's office where
24 the certificate is filed and producing proper identification.

25 (b) Copies of a confidential marriage certificate may be issued
26 to the parties to the marriage upon payment of the fee equivalent
27 to that charged for copies of a marriage certificate.

28 SEC. 30. Section 510 of the Family Code is amended to read:

29 510. (a) If a confidential marriage license is lost, damaged,
30 or destroyed after the performance of the marriage, but before it
31 is returned to the county clerk, or deemed unacceptable for
32 registration by the county clerk, the person solemnizing the
33 marriage, in order to comply with Section 506, shall obtain a
34 duplicate marriage license by filing an affidavit setting forth the
35 facts with the county clerk of the county in which the license was
36 issued.

37 (b) The duplicate license may not be issued later than one year
38 after issuance of the original license and shall be returned by the
39 person solemnizing the marriage to the county clerk within one
40 year of the issuance date shown on the original marriage license.

1 (c) The county clerk may charge a fee to cover the actual costs
2 of issuing a duplicate marriage license.

3 (d) If a marriage license is lost, damaged, or destroyed before
4 a marriage ceremony takes place, the applicants shall purchase a
5 new marriage license and the old license shall be voided.

6 SEC. 31. Section 511 of the Family Code is amended to read:

7 511. (a) Except as provided in subdivision (b), the county
8 clerk shall maintain confidential marriage certificates filed
9 pursuant to Section 506 as permanent records which shall not be
10 open to public inspection except upon order of the court issued
11 upon a showing of good cause. The confidential marriage license
12 is a confidential record and not open to public inspection without
13 an order from the court.

14 (b) The county clerk shall keep all original certificates of
15 confidential marriages for one year from the date of filing. After
16 one year, the clerk may reproduce the certificates pursuant to
17 Section 26205 of the Government Code, and dispose of the
18 original certificates. The county clerk shall promptly seal and
19 store at least one original negative of each microphotographic
20 film made in a manner and place as reasonable to ensure its
21 preservation indefinitely against loss, theft, defacement, or
22 destruction. The microphotograph shall be made in a manner that
23 complies with the minimum standards or guidelines, or both,
24 recommended by the American National Standards Institute or
25 the Association for Information and Image Management. Every
26 reproduction shall be deemed and considered an original. A
27 certified copy of any reproduction shall be deemed and
28 considered a certified copy of the original.

29 (c) The county clerk may conduct a search for a confidential
30 marriage certificate for the purpose of confirming the existence
31 of a marriage, but the date of the marriage and any other
32 information contained in the certificate shall not be disclosed
33 except upon order of the court.

34 SEC. 32. Section 530 of the Family Code is amended to read:

35 530. (a) No notary public shall issue a confidential marriage
36 license pursuant to this part unless the notary public is approved
37 by the county clerk to issue confidential marriage licenses
38 pursuant to this chapter.

1 (b) A violation of subdivision (a) is a misdemeanor punishable
2 by a fine not to exceed one thousand dollars (\$1,000) or six
3 months in jail.

4 SEC. 33. Section 531 of the Family Code is amended to read:

5 531. (a) If the county clerk chooses to accept applications
6 authorizing a notary public to issue confidential marriage
7 licenses, the county clerk shall establish a policy that outlines the
8 requirements for filing the application and maintaining the
9 registration. The notary public shall file an application for
10 approval to issue confidential marriage licenses pursuant to this
11 part with the county clerk in the county in which the notary
12 public who is applying for the approval is commissioned and
13 resides. The county clerk shall exercise reasonable discretion as
14 to whether to approve applications. Any violation of the policy
15 set forth by the county clerk shall result in the suspension or
16 revocation of the authorization for the notary public to issue
17 confidential marriage licenses.

18 (b) The application shall include all of the following:

19 (1) The full name of the applicant.

20 (2) The date of birth of the applicant.

21 (3) The applicant's current residential address and telephone
22 number.

23 (4) The address and telephone number of the place where the
24 applicant will issue confidential marriage licenses.

25 (5) The full name of the applicant's employer if the applicant
26 is employed by another person.

27 (6) Whether or not the applicant has engaged in any of the acts
28 specified in Section 8214.1 of the Government Code.

29 (c) The application shall be accompanied by the fee provided
30 for in Section 536.

31 SEC. 34. Section 532 of the Family Code is amended to read:

32 532. No approval, or renewal of the approval, shall be granted
33 pursuant to this chapter unless the notary public shows evidence
34 of successful completion of a course of instruction concerning
35 the issuance of confidential marriage licenses that was conducted
36 by the county clerk in the county of registration. The course of
37 instruction shall be given by the county clerk at a date and time
38 set forth in the policy established by the county clerk. The county
39 clerk shall exercise reasonable judgment in scheduling the length
40 of the training course.

1 SEC. 35. Section 533 of the Family Code is amended to read:
2 533. An approval to issue confidential marriage licenses
3 pursuant to this chapter is valid for one year. The approval may
4 be renewed for additional one-year periods provided the
5 following conditions are met:

6 (a) The applicant has not violated any of the provisions
7 provided for in Section 531.

8 (b) The applicant has successfully completed the course
9 prescribed in Section 532.

10 (c) The applicant has paid the renewal fee provided for in
11 Section 536.

12 SEC. 36. Section 534 of the Family Code is amended to read:

13 534. (a) The county clerk shall maintain a list of the notaries
14 public who are approved to issue confidential marriage licenses.
15 The list shall be available for inspection by the public.

16 (b) It is the responsibility of a notary public approved to issue
17 confidential marriage licenses pursuant to this chapter to keep
18 current the information required in paragraphs (1), (3), (4), and
19 (5) of subdivision (b) of Section 531. This information shall be
20 used by the county clerk to update the list required to be
21 maintained by this section.

22 SEC. 37. Section 535 of the Family Code is amended to read:

23 535. (a) If, after an approval to issue confidential marriage
24 licenses is granted pursuant to this chapter, it is discovered that
25 the notary public has engaged in any of the actions specified in
26 Section 8214.1 of the Government Code, the approval shall be
27 revoked, and the county clerk shall notify the Secretary of State
28 for whatever action the Secretary of State deems appropriate.
29 Any fees paid by the notary public shall be retained by the
30 county clerk.

31 (b) If a notary public who is approved to authorize confidential
32 marriages pursuant to this chapter is alleged to have violated a
33 provision of this division, the county clerk shall conduct a
34 hearing to determine if the approval of the notary public should
35 be suspended or revoked. The notary public may present any
36 evidence as is necessary in the notary public's defense. If the
37 county clerk determines that the notary public has violated a
38 provision of this division, the county clerk may place the notary
39 public on probation or suspend or revoke the notary public's
40 registration, and any fees paid by the notary public shall be

1 retained by the county clerk. The county clerk shall report the
2 findings of the hearing to the Secretary of State for whatever
3 action the Secretary of State deems appropriate.

4 SEC. 38. Section 536 of the Family Code is amended to read:
5 536. The fee for an application for approval and
6 administration of this program, or renewal of application for
7 approval to issue confidential marriage licenses pursuant to this
8 chapter is ~~four~~ *three* hundred dollars ~~(\$400)~~ *(\$300)*.

9 SEC. 39. Section 100430 of the Health and Safety Code is
10 amended to read:

11 100430. (a) The fees or charges for a record search or for the
12 issuance of any license, permit, registration, or any other
13 document pursuant to Sections 26832, 26840, and 26859 of the
14 Government Code, or Sections 102525, 102625, 102670,
15 102725, 102750, 103050, 103065, 103225, 103325, 103400,
16 103425, 103450, 103525, 103590, 103625, 103650, 103675,
17 103690, 103695, 103700, 103705, 103710, 103715, 103720,
18 103725, 103730, and 103735 of this code, may be adjusted
19 annually by the percentage change determined pursuant to
20 Section 100425.

21 The base amount to be adjusted shall be the statutory base
22 amount of the fee or charge plus the sum of the prior adjustments
23 to the statutory base amount. Whenever the statutory base
24 amount is amended, the base amount shall be the new statutory
25 base amount plus the sum of adjustments to the new statutory
26 base amount calculated subsequent to the statutory base
27 amendment. The actual dollar fee or charge shall be rounded to
28 the next highest whole dollar.

29 (b) Beginning January 1, 1983, the department shall annually
30 publish a list of the actual numerical fee charges as adjusted
31 pursuant to this section. This adjustment of fees and the
32 publication of the fee list shall not be subject to the requirements
33 of Chapter 3.5 (commencing with Section 11340) of Part 1 of
34 Division 3 of Title 2 of the Government Code.

35 SEC. 40. Section 102130 of the Health and Safety Code is
36 amended to read:

37 102130. All marriage licenses shall be written legibly and
38 shall be photographically and micrographically reproducible. A
39 marriage license is not complete and correct that does not supply

1 all of the items of information called for, or satisfactorily account
2 for their omission.

3 SEC. 41. Section 102140 of the Health and Safety Code is
4 amended to read:

5 102140. No alteration or change in any respect shall be made
6 on any marriage license or certificate after its acceptance for
7 registration by the local registrar, or on other records made in
8 pursuance of this part, except where supplemental information
9 required for statistical purposes is furnished.

10 SEC. 42. Section 102310 of the Health and Safety Code is
11 amended to read:

12 102310. The local registrar of marriages shall carefully
13 examine each license before acceptance for registration and, if it
14 is incomplete or unsatisfactory, he or she shall require any further
15 information to be furnished as may be necessary to make the
16 record satisfactory before acceptance for registration.

17 SEC. 43. Section 102325 of the Health and Safety Code is
18 amended to read:

19 102325. The local registrar shall number each marriage
20 certificate consecutively beginning with the number one for
21 either the first event occurring, or first event registered in, each
22 calendar year. Numbering may be based on either the year that
23 the event occurs or the year of registration.

24 SEC. 44. Section 102355 of the Health and Safety Code is
25 amended to read:

26 102355. The local registrar of marriages shall transmit to the
27 State Registrar not less than quarterly all original marriage
28 certificates accepted for registration by him or her during the
29 preceding quarter. Certificates shall be batched by calendar year
30 of event prior to transmission. Certificates may be transmitted at
31 more frequent intervals by arrangement with the State Registrar.

32 SEC. 45. Section 103125 of the Health and Safety Code is
33 amended to read:

34 103125. The forms for the marriage license shall be
35 prescribed by the State Registrar.

36 SEC. 46. Section 103175 of the Health and Safety Code is
37 amended to read:

38 103175. (a) The marriage license shall contain as nearly as
39 can be ascertained all of the following and other items as the
40 State Registrar may designate: ~~The~~

1 (1) *The* first section shall include the personal data of parties
2 married, including the date of birth, full given name at birth or by
3 court order, birthplace, mailing address, names and birthplaces of
4 the parents, maiden name of the mothers, the number of previous
5 marriages, marital status, and the maiden name of the female if
6 previously married;~~the~~.

7 (2) *The* second section shall include the signatures of parties
8 married, license to marry, county and date of issue of license, and
9 the marriage license number;~~and the~~.

10 (3) *The* third section shall include the certification of one
11 person performing the ceremony, that shall show his or her
12 official position including the denomination if he or she is a
13 clergy or clergyperson, and the printed name, signature, and
14 mailing address of at least one, and no more than two, witnesses
15 to the marriage ceremony. The person performing the marriage
16 ceremony shall also type or print his or her name and mailing
17 address on the marriage license.~~The~~

18 (b) *The* marriage license shall not contain any reference to the
19 race or color of parties married.

20 SEC. 47. Section 103180 of the Health and Safety Code is
21 amended to read:

22 103180. (a) Sections 103150 and 103175 do not apply to
23 marriages entered into pursuant to Section 307 of the Family
24 Code. Subdivisions (b) and (c) govern the registration and the
25 content of the License and Certificate of Declaration of Marriage
26 of those marriages.

27 (b) Each marriage entered into pursuant to Section 307 of the
28 Family Code shall be registered by the parties entering into the
29 marriage or by a witness who signed under paragraph (2) of
30 subdivision (a) of Section 307 within 10 days after the ceremony
31 with the local registrar of marriages for the county in which the
32 License and Certificate of Declaration of Marriage was issued.

33 (c) The License and Certificate of Declaration of Marriage
34 entered into pursuant to Section 307 of the Family Code shall
35 contain as nearly as can be ascertained the following:

36 (1) The personal data of parties married, including the date of
37 birth, full given legal names at birth or by court order, birthplace,
38 mailing address, names and birthplaces of their parents, maiden
39 name of their mothers, the number of previous marriages, marital

1 status, and the maiden name of the female, if previously married
2 and if her name has been changed.

3 (2) The license to marry.

4 (3) The county and date of issuance of the license.

5 (4) The marriage license number.

6 (5) The certification of the parties entering into the marriage,
7 that shall show the following:

8 (A) The fact, time, and place of entering into the marriage.

9 (B) The printed name, signature, and mailing address of two
10 witnesses to the marriage ceremony.

11 (C) The religious society or denomination of the parties
12 married, and that the marriage was entered into in accordance
13 with the rules and customs of that religious society or
14 denomination.

15 (6) The signatures of the parties married.

16 (7) Any other items that the State Registrar shall designate.

17 The License and Certificate of Declaration of Marriage shall
18 not contain any reference to the race or color of parties married
19 or to a person performing or solemnizing the marriage.

20 SEC. 48. Section 103200 of the Health and Safety Code is
21 amended to read:

22 103200. The clerk of the court of each county shall send a
23 copy of every judgment of dissolution of marriage, of legal
24 separation, and of declaration of nullity to the State Registrar
25 monthly. If a judgment of dissolution of marriage is vacated, the
26 clerk of the court shall send a copy of the order or dismissal to
27 the State Registrar.

28 SEC. 49. Section 103235 of the Health and Safety Code is
29 amended to read:

30 103235. If the amendment relates to a certificate or marriage
31 license that has not been transmitted to the State Registrar, the
32 local registrar shall review the amendment for acceptance for
33 filing, and if accepted shall file the amendment and shall note the
34 fact of the amendment, with its date, on the otherwise unaltered
35 original certificate or marriage license.

36 SEC. 50. Section 103595 of the Health and Safety Code is
37 repealed.

38 SEC. 51. Section 103730 of the Health and Safety Code is
39 amended to read:

1 103730. A fee of eleven dollars (\$11) for each individual
2 being adopted shall be paid to the clerk of the court at the time of
3 filing the petition in an adoption proceeding, except for agency
4 adoptions in which the adoption fee is waived and a statement
5 from the agency to this effect is filed with the petition, and that
6 fee shall be paid monthly by the clerk of the court to the State
7 Registrar of Vital Statistics for the services required by statute of
8 that office.

9 SEC. 52. Section 103780 of the Health and Safety Code is
10 amended to read:

11 103780. (a) Every person, except as provided in subdivision
12 (b), who willfully alters or knowingly possesses more than one
13 altered document, other than as permitted by this part, or falsifies
14 any certificate of birth, fetal death, or death, or marriage license,
15 or any record established by this part is guilty of a misdemeanor.

16 (b) Every licensee or registrant pursuant to Chapter 12
17 (commencing with Section 7600) or Chapter 19 (commencing
18 with Section 9600) of Division 3 of the Business and Professions
19 Code, and the agents and employees of the licensee, or any
20 unlicensed person acting in a capacity in which a license from the
21 Cemetery and Funeral Bureau is required, who willfully alters or
22 knowingly possesses more than one altered document, other than
23 as permitted by this part, or falsifies any certificate of death, is
24 guilty of a misdemeanor that shall be punishable by
25 imprisonment in a county jail not exceeding one year, by a fine
26 not exceeding ten thousand dollars (\$10,000), or by both that
27 imprisonment and fine.

28 SEC. 53. Section 103785 of the Health and Safety Code is
29 amended to read:

30 103785. Every person who is required to fill out a certificate
31 of birth, fetal death, or death, or marriage license and register it
32 with the local registrar, or deliver it, upon request, to any person
33 charged with the duty of registering it, and who fails, neglects, or
34 refuses to perform that duty in the manner required by this part is
35 guilty of a misdemeanor.

36 SEC. 54. No reimbursement is required by this act pursuant
37 to Section 6 of Article XIII B of the California Constitution
38 because a local agency or school district has the authority to levy
39 service charges, fees, or assessments sufficient to pay for the

1 program or level of service mandated by this act, within the
2 meaning of Section 17556 of the Government Code.
3 *SEC. 55. The provisions of this act shall become operative on*
4 *January 1, 2007.*

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