

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 349

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO MARRIAGE LICENSES; AMENDING SECTION 32-403, IDAHO CODE, TO RE-  
2 VISE A PROVISION REGARDING AN APPLICATION FOR A MARRIAGE LICENSE AND TO  
3 MAKE TECHNICAL CORRECTIONS.  
4

5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 32-403, Idaho Code, be, and the same is hereby  
7 amended to read as follows:

8 32-403. APPLICATION FOR AND ISSUANCE OF LICENSE. (1) Every county  
9 recorder who shall have personal knowledge of the competency of the parties  
10 for whose marriage a license is applied for, shall issue such license upon  
11 payment or tender to him of his legal fee therefor; and if such recorder does  
12 not know of his own knowledge that the parties are competent under the laws  
13 of the state to contract matrimony, he shall take the affidavit in writing of  
14 the person or persons applying for such license, and of other persons as he  
15 may see proper, and of any persons whose testimony may be offered; and if it  
16 appears from the affidavit so taken that the parties for whose marriage the  
17 license in question is demanded are legally competent to marry, the recorder  
18 shall issue such license, and the affidavits so taken shall be his warrant  
19 against any fine or forfeiture for issuing such license. Provided, however,  
20 that in the event either of the parties for whose marriage the license in  
21 question is applied for is under the age of eighteen (18) years, the recorder  
22 shall not issue such license except upon compliance with the consent and  
23 proof\_of\_age requirements set forth in section 32-202, Idaho Code.

24 (2) Every application for a marriage license shall include the social  
25 security numbers of the parties applying for the license.

26 (a) The requirement that an applicant provide a social security number  
27 shall apply only to applicants who have been assigned a social security  
28 number.

29 (b) An applicant who has not been assigned a social security number  
30 shall:

31 (i) Present written verification from the social security admin-  
32 istration that the applicant has not been assigned a social secu-  
33 rity number; and

34 (ii) Submit a birth certificate, passport or other documentary  
35 evidence issued by an entity other than a state or the United  
36 States; and

37 (iii) Submit ~~such proof as the department may require~~ that the ap-  
38 plicant is lawfully present in the United States.