

HB 4152 -2 STAFF MEASURE SUMMARY

House Committee On Emergency Management and Veterans

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Meeting Dates: 2/3, 2/10

WHAT THE MEASURE DOES:

The measure clarifies provisions related to marriage licenses and marriage solemnization for Armed Forces service members who are not physically present due to active service.

Detailed Summary

- Provide definitions
- Prohibits County clerks from refusing the issue of a marriage license if an active duty Armed Forces service member is not physically present at the time of application
- Allows a judicial officer to solemnize a marriage if an active duty Armed Forces service member is unable to be physically present, if the service member appears remotely via a communication device and all other requirements are met
- Allows the judicial officer to waive solemnization fees

Fiscal impact: Has minimal fiscal impact

Revenue impact: No revenue impact

ISSUES DISCUSSED:

- How a judge can verify the identity of someone using a communication device
- Provisions of the measure

EFFECT OF AMENDMENT:

-2 The amendment deletes lines 13-16 of the bill; reinserts language that if one of the parties to an application for marriage is unable to submit the application by reason of active service it prohibits County clerks from refusing the issue of a marriage license solely because a service member is not physically present; and the service member may sign the application electronically.

BACKGROUND:

Current state law on marriage solemnization (ORS 106.150) requires that the parties will assent or declare in the presence of the person, religious organization or congregation, or secular organization, authorized to solemnize marriages that they take each other to be spouses in a marriage, and this must be in the presence of at least two witnesses,

Current state law (ORS 106.041) does not require the physical presence of both parties to submit a marriage license application through county offices, however most counties in Oregon do require both applicants to be physically in person to submit the application.