

37:1-9

LEGISLATIVE HISTORY CHECKLIST

NJSA 37:1-9 (Marriage license publications--revise)

LAWS 1981 CHAPTER 254

Bill No. S1569

Sponsor(s) Perskie

Date Introduced Nov. 10, 1980

Committee: Assembly Judiciary, Law, Public Safety and Defense

Senate Institutions, Health and Welfare

Amended during passage Yes ~~No~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly June 11, 1981

Senate Jan. 29, 1981

Date of approval Aug. 12, 1981

Following statements are attached if available:

Sponsor statement Yes ~~No~~

Committee Statement: Assembly Yes ~~No~~

Senate Yes ~~No~~

Fiscal Note ~~Yes~~ No

Veto Message ~~Yes~~ No

Message on signing ~~Yes~~ No

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

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SENATE, No. 1569

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 10, 1980

By Senator PERSKIE

Referred to Committee on Institutions, Health and Welfare

AN ACT concerning marriage licenses and amending R. S. 37:1-9.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
 2 *of New Jersey:*

1 1. R. S. 37:1-9 is amended to read as follows:

2 37:1-9. No marriage license shall be issued when [either of the
 3 contracting parties], at the time of making an application therefor,
 4 *either applicant* is infected with [gonorrhoea, syphilis or chancroid]
 5 *a venereal disease* in a communicable stage, *or is* [under the influ-
 6 ence of intoxicating liquor or a narcotic drug, or is an imbecile or
 7 of an unsound mind. Nor shall any such license be issued to] a
 8 person [who is or has been an inmate of an insane asylum or in-
 9 stitution for indigent persons, unless it appears that such person
 10 has been satisfactorily discharged therefrom] *currently adjudi-*
 11 *cated *mentally* incompetent.*

1 2. This act shall take effect 90 days after enactment.

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
 is not enacted and is intended to be omitted in the law.**

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10 has been satisfactorily discharged therefrom] currently adjudi-
11 cated incompetent.

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STATEMENT

The purpose of this bill is to remove certain outdated provisions from the statutes dealing with marriage license applications.

At the present time, the law prohibits a licensing officer from issuing a marriage license to persons who are under the influence of liquor or drugs, to imbeciles, or to persons of unsound mind. In order to satisfy this statutory prohibition, the application for a marriage license currently used in New Jersey asks: "Are you: Under the influence of liquor? Under the influence of a narcotic drug? An imbecile? Of unsound mind?" A person who fits these categories may be unwilling or unable to answer the questions truthfully, and therefor the questions seem to serve no useful purpose.

Present law also prohibits the issuing of a marriage license to a person who has been an inmate of an insane asylum or an insti-

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tution for indigent persons. Institutionalization alone no longer means that a person loses the right to obtain a marriage license. This bill would replace this antiquated provision with a prohibition against issuing a marriage license to a person who is currently adjudicated incompetent.

**ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY
AND DEFENSE COMMITTEE**

STATEMENT TO

SENATE, No. 1569

with Senate committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 19, 1981

This bill amends the statute concerning marriage license applications to revise certain outdated language concerning venereal disease and mental capacity.

SENATE INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO

SENATE, No. 1569

with Senate committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 11, 1980

This bill amends the statute concerning marriage license applications to revise certain outdated language concerning venereal disease and mental capacity.

The committee amended the bill to add the word "mentally" before incompetent to be consistent with terminology used in Title 3A.