

AN ACT

To amend section 3101.05 and to enact section 3101.051 of the Revised Code to eliminate the requirement that social security numbers be included on marriage licenses; to authorize probate courts to use a reference number as an alternative to social security numbers on marriage licenses; to require probate courts, except under certain circumstances, to delete social security numbers of the parties to a marriage from records pertaining to marriage licenses when those records are made available for inspection by the public; and to eliminate the limitation on the period of time after application is made during which a marriage license may be issued.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3101.05 be amended and section 3101.051 of the Revised Code be enacted to read as follows:

Sec. 3101.05. (A) The parties to a marriage shall make an application for a marriage license ~~not less than five nor more than thirty days before a license is issued.~~ Each of the persons seeking a marriage license shall personally appear in the probate court within the county where either resides, or, if neither is a resident of this state, where the marriage is expected to be solemnized. If neither party is a resident of this state, the marriage may be solemnized only in the county where the license is obtained. Each party shall make application and shall state upon oath, the party's name, age, residence, place of birth, occupation, ~~social security number,~~ father's name, and mother's maiden name, if known, and the name of the person who is expected to solemnize the marriage. If either party has been previously married, the application shall include the names of the parties to any previous marriage and of any minor children, and if divorced the jurisdiction, date, and case number of the decree. If either applicant is under the age of eighteen years, the judge shall require the applicants to

state that they received marriage counseling satisfactory to the court. ~~except as otherwise provided in this division, the APPLICATION also shall include each party's social security number. in lieu of requiring each party's social security number on the APPLICATION, the court may obtain each party's social security number, retain the social security numbers in a separate record, and allow a number other than the social SECURITY number to be used on the APPLICATION for reference purposes. if a court allows the use of a number other than the social security number to be used on the application for reference purposes, the record containing the social security number is not a public record, except that, in any of the circumstances set forth in divisions (a)(1) to (4) of section 3101.051 of the Revised Code, the record containing the social security number shall be made AVAILABLE for inspection under section 149.43 of the Revised Code.~~

Immediately upon receipt of an application for a marriage license, the court shall place the parties' record in a book kept for that purpose. ~~After the expiration of five and not more than thirty days from the date of the application, if~~ If the probate judge is satisfied that there is no legal impediment and if one or both of the parties are present, the probate judge shall grant the marriage license.

If the judge is satisfied from the affidavit of a reputable physician in active practice and residing in the county where the probate court is located, that one of the parties is unable to appear in court, by reason of illness or other physical disability, a marriage license may be granted upon application and oath of the other party to the contemplated marriage; but in that case the person who is unable to appear in court, at the time of making application for a marriage license, shall make and file in that court, an affidavit setting forth the information required of applicants for a marriage license. ~~For good cause shown, the~~

~~A~~ A probate judge may ~~waive this section with respect to the period between the application and the issuance of a marriage license and may grant the~~ A marriage license under this section at any time after the application is made.

~~Each~~ A marriage license issued shall ~~include~~ not display the social security number of ~~each either~~ party to the marriage, ~~as stated on the marriage license application.~~

(B) An applicant for a marriage license who knowingly makes a false statement in an application or affidavit prescribed by this section is guilty of falsification under section 2921.13 of the Revised Code.

(C) No licensing officer shall issue a marriage license if the officer has not received the application, affidavit, or other statements prescribed by this

section or if the officer has reason to believe that any of the statements in a marriage license application or in an affidavit prescribed by this section ~~is~~ are false.

(D) Any fine collected for violation of this section shall be paid to the use of the county together with the costs of prosecution.

Sec. 3101.051. (a) except as provided in division (b) of this SECTION, A probate court shall make available to any person for inspection the records pertaining to the issuance of marriage licenses as provided under section 149.43 of the Revised Code.

(b) before it makes available to a person any records pertaining to the issuance of a marriage license as described in division (a) of this section, subject to division (c) of this section, a probate court shall delete or otherwise remove any social security numbers of the parties to a marriage so that they are not available to the person inspecting the records.

(C) Division (B) of this section does not apply in any of the following circumstances:

(1) If The records in question are inspected by authorized personnel of the division of child support in the department of job and family services under section 5101.31 of the Revised Code;

(2) If The records in question are inspected by law enforcement personnel for purposes of a criminal investigation;

(3) If the records in question with the social security numbers are necessary for use in a civil or criminal trial and the release of the records with the social security numbers is ordered by a court with jurisdiction over the trial;

(4) If the records in question are inspected by either party to the marriage to which the records pertain;

(5) if the court possessed the records in question prior to the effective date of this section.

Sub. H. B. No. 519

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SECTION 2. That existing section 3101.05 of the Revised Code is hereby repealed.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

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The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ___ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____