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Bill Analysis
Legislative Service Commission

Sub. H.B. 519*
123rd General Assembly
(As Reported by S. Judiciary)

Reps. Williams, Cates, Netzley, Hood, Schuler, Van Vyven, Jolivette, Grendell, Hoops, Taylor, Coughlin, Roman, Allen, Salerno, Womer Benjamin, Willamowski, Sullivan, Carey, Buchy, Damschroder, Tiberi, Harris, James, Krupinski, Boyd, Hollister, Mottley, Amstutz, Flannery, Pringle, Barrett

BILL SUMMARY

- Repeals the requirement that a marriage license issued must include the social security number of each party to the marriage and specifically prohibits the display of the social security number of either party to the marriage on the marriage license issued.
- Authorizes probate courts to use a reference number as an alternative to social security numbers on marriage license applications.
- Requires a probate court, except under specified circumstances, to delete any social security numbers of the parties to a marriage from records pertaining to marriage licenses when those records are inspected.
- Eliminates the requirement that a marriage license be granted after the expiration of five but not more than 30 days from the date the application for the license is made.

** This analysis was prepared before the report of the Senate Judiciary Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.*

CONTENT AND OPERATION

Marriage license requirements

Existing law

The Marriage License Law generally requires the parties to a marriage to do all of the following (R.C. 3101.05(A)):

(1) Make an application for a marriage license not less than five nor more than 30 days before a license is issued;

(2) Personally appear in the probate court in the county where either party resides, or, if neither is a resident of Ohio, where the marriage is expected to be solemnized (each of the parties must appear). If neither party is a resident of Ohio, the marriage may be solemnized only in the county where the license is obtained.

(3) Make application and 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 (each of the parties must make application and state the information). If either party previously has been married, the application must 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 18 years of age, the judge must require the applicants to state that they received marriage counseling satisfactory to the court.

Immediately upon receipt of an application for a marriage license, the probate court must place the parties' record in a book kept for that purpose. After the expiration of five and not more than 30 days from the date of the application, 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 must grant the marriage license. Each marriage license issued must include the *social security number* of each party to the marriage, as stated on the marriage license application. (R.C. 3101.05(A).)

Operation of the bill

The bill repeals the requirement that a marriage license issued must include the social security number of each party to the marriage, as stated on the marriage license application. It specifically prohibits the display on the marriage license issued of the social security number of either party to the marriage. The bill also repeals the requirement that the parties to a marriage apply for a marriage license not less than five nor more than 30 days before a license is issued and that the probate judge grant a marriage license after the expiration of five but not more than

30 days from the date of the application for the license. It specifically allows the probate judge to grant a marriage license at any time after the application is made.

The bill modifies the requirement that each party include the party's social security number on the application. 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. The record containing the social security number is not a public record, except that, in certain specified circumstances, the record containing the social security number must be made available for inspection under R.C. 149.43 (see "Public records inspection," below). (R.C. 3101.05(A).)

Public records inspection

Existing law

Under the Public Records Law (R.C. 149.43--not in the bill but referred to in the bill), generally, all public records must be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. "Public record" means any record that is kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, except that "public record" does not mean any of a list of specified records or types of records. Generally, upon request, a public office or person responsible for public records must make copies available at cost, within a reasonable period of time. In order to facilitate broader access to public records, public offices must maintain public records in a manner that they can be made available for inspection in accordance with the Public Records Law. (R.C. 149.43(A)(1) and (B), not in the bill.)

The existing Domestic Relations Law requires that the record of any action instituted under R.C. Chapter 3105. include the social security numbers of both parties to the action (R.C. 3105.72--not in the bill).

Operation of the bill

Inspection of marriage license records. The bill requires a probate court to make available to any person for inspection the records pertaining to the issuance of marriage licenses as provided under the Public Records Law. Before it makes those records available, except for five sets of circumstances set forth below, the court must 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. (R.C. 3101.051(A) and (B).)

The bill provides that its requirement to delete or remove the social security numbers from marriage license records before inspection does not apply in any of the following circumstances (R.C. 3101.051(C)(1) to (5)):

(1) The records are inspected by authorized personnel of the Division of Child Support in the Department of Job and Family Services under the Child and Spousal Support Enforcement Programs Law (see **COMMENT**).

(2) The records are inspected by law enforcement personnel for purposes of a criminal investigation.

(3) The records 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) The records are inspected by either party to the marriage to which the records pertain.

(5) The court possessed the records in question prior to the effective date of the bill.

COMMENT

The Child and Spousal Support Enforcement Programs Law (R.C. 5101.31--not in the bill but referred to in the bill) provides that the Division of Child Support in the Department of Job and Family Services generally must have access to all of the following unless release of the information is prohibited by federal or state law (R.C. 5101.31(G)(1)):

(1) Any information in the possession of any officer or entity of the state or any political subdivision of the state that would aid the Division in locating an absent parent or child;

(2) Any information concerning the employment, compensation, and benefits of any obligor or obligee subject to a support order in the possession of any person;

(3) The name and address of any obligor or obligee subject to a support order and the obligor's or obligee's employer in the customer records of a public utility.

The person or entity required to provide the above information may provide that information to a child support enforcement agency at the agency's request or require the agency to request that the Division of Child Support request the information for the agency. The Division must request the information from the

person or entity on the request of a child support enforcement agency. (R.C. 5101.31(G)(2).)

An officer or entity of the state or political subdivision of the state or any other person who provides information pursuant to the above provisions is not subject to criminal or civil liability for providing the information (R.C. 5101.31(G)(3)).

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	12-14-99	p. 1464
Reported, H. Civil & Commercial Law	04-04-00	pp. 1752-1753
Passed House (88-5)	05-09-00	pp. 1894-1895
Reported, S. Judiciary	---	---

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