

MINA' BENTE OCHO NA LIHESLATURAN GUAHAN  
2006 (Second) Regular Session

Bill No. 316 (LS)

Introduced by:

B.J.F. Cruz 

---

RELATIVE TO AMENDING CHAPTER 3, DIVISION  
1, ARTICLE 2 OF TITLE 19 OF THE GUAM CODE  
ANNOTATED RELATIVE TO THE  
AUTHENTICATION OF MARRIAGES AND THE  
ISSUANCE OF MARRIAGE LICENSES

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2       **Section 1. Legislative Intent.** It is the intent of *I Liheslaturan*  
3 *Guahan* to place the legal authority to issue marriage licenses from the  
4 Department of Revenue and Taxation to the Department of Public  
5 Health and Social Services. The Office of Vital Statistics of the  
6 Department of Public Health and Social Services is already  
7 designated as the governmental authority in which Certificates of  
8 Marriage are issued. This legislation shall also remove the antiquated  
9 5-day waiting period in which marriage certificates are issued. It is  
10 the further intent of *I Liheslaturan Guahan* to vest the Director of the  
11 Department of Public Health and Social Services as well as island  
12 Mayors and Vice-Mayors, with the legal authority to conduct  
13 marriages in addition to the Governor, Lieutenant Governor, Speaker

1 of *I Liheslaturan Guahan*, the Judges of the Courts of Guam, and the  
2 Directors of Administration and Revenue and Taxation.

3 **Section 2.** §3202 of Chapter 3, Division 1, Article 2 is hereby  
4 *amended* as follows:

5 “§3202. **Marriage Licenses.** (a) All persons about to be joined in  
6 marriage must first obtain a license therefore, from the  
7 ~~Department of Revenue and Taxation~~ Department of Public  
8 Health & Social Services, which license

9 (1) The identity of the parties;

10 (2) Their full names, residence and place of birth;

11 (3) Their date of birth;

12 (4) Their citizenship;

13 (5) If an alien, whether a resident alien or a non-  
14 immigrant alien;

15 (6) The number of previous marriages, wherever  
16 contracted and how terminated; the occupations of the  
17 parties; the maiden name of the female, if previously  
18 married; the names and birthplaces of each; and the  
19 maiden name of the mother of each;

20 (7) Whether the female elects to retain her maiden name  
21 as her surname upon marriage as provided for by '3108.

1 (8) Social Security Number of Each Party. If each person  
2 does not have a social security number, the person  
3 responding to the question must state that fact.

4 (b) No license shall be issued when either of the applicants  
5 therefore is an imbecile, insane as determined by the proper  
6 authority or who at the time of making of the application of  
7 proof required for said license, is under the influence of  
8 intoxicating liquor or narcotic drug. If an applicant is under the  
9 age of eighteen (18) and has not been previously married, no  
10 license shall be issued unless the consent in writing of a parent  
11 or guardian of the person under age is presented with the  
12 application. A consent must be verified and such consent shall  
13 be retained with the application in the files of the ~~Department~~  
14 ~~of Revenue and Taxation~~ Department of Public Health and  
15 Social Services. The fact of the consent shall be noted upon the  
16 license. In addition to the consent required, no license shall be  
17 issued for any person between the age of sixteen (16) and  
18 eighteen (18) unless the marriage of that person has been  
19 approved by an order in writing issued from the Superior  
20 Court. A license to marry shall not be issued to any person  
21 under the age of sixteen (16) unless the court authorizes a  
22 license to be issued to an applicant who is under sixteen (16)  
23 and with a child. No license shall be issued permitting marriage

1 between first cousins, between an adoptive parent and an  
2 adoptive child, between a step-parent and a step-child or  
3 between a guardian and a ward unless a written order  
4 authorizing such a marriage has been issued by the Superior  
5 Court.

6 (c) Applications for a marriage license shall be made on a form  
7 prescribed by the Director of ~~Revenue and Taxation~~ Public  
8 Health and Social Services and must be sworn to by both  
9 applicants before the Director of Revenue and Taxation or his  
10 designee. ~~No license shall be issued until after the expiration of~~  
11 ~~five (5) days after the filing of the application unless the~~  
12 ~~applicants shall pay a waiver fee of Ten Dollars (\$10.00). Upon~~  
13 ~~paying the waiver fee, the Director of Revenue and Taxation or~~  
14 ~~his designee may authorize the immediate issuance of a~~  
15 ~~marriage license.~~

16 (d) For the purpose of ascertaining all facts mentioned or  
17 required in this Section, the Director of ~~Revenue and Taxation~~  
18 Public Health and Social Services, or his designee, may examine  
19 under oath, or require written affidavits from, the applicants  
20 for a license and as many supporting witnesses as he deems  
21 necessary. Such examination shall be reduced to writing and  
22 subscribed by all parties swearing to the facts therein. In the  
23 case of termination of a previous marriage by divorce or

1 annulment, the applicant shall furnish a certified copy of the  
2 final decree of divorce or annulment. In the case of termination  
3 of a previous marriage by death of the spouse, the applicant  
4 shall furnish a certified copy of the record of death. If a certified  
5 copy of a final decree or divorce, annulment or record of death  
6 as required herein is not available, the applicant may submit in  
7 lieu thereof an affidavit setting forth, in such form as the  
8 Director may require, the reason why it is not obtainable.

9 (e) Any application for a marriage license and any allied  
10 document on file with the Director of ~~Revenue and Taxation~~  
11 Public and Health and Social Services shall be open to public  
12 inspection.

13 (f) Any person who shall swear falsely to an application for a  
14 marriage license, or who shall make or present any false  
15 affidavit, statement, or testimony in any proceeding under  
16 Subsection (d), shall be guilty of a misdemeanor.

17 (g) No marriage license shall be effective nor shall it authorize  
18 the performance of a marriage ceremony after the expiration of  
19 sixty (60) days from the date of issuance of such license. This  
20 provision shall be printed on each license in prominent type.

21 (h) The Director of ~~Revenue and Taxation~~ Public Health and  
22 Social Services and his designees are authorized to administer  
23 oaths in connection with the administration of this Section.”

1 (i) A fee of **Fifteen Dollars (\$15.00)** shall accompany each  
2 application for a marriage license and shall not be  
3 refunded if the license is not issued or used. No marriage  
4 license fees collected by the government of Guam prior to  
5 the enactment of this Subsection shall be refunded.”

6 **Section 3.** §3204 of Chapter 3, Division 1, Article 2 is hereby  
7 *amended* as follows:

8 “§3204. Who May Solemnize. Marriage may be solemnized by:

9 (a) The Governor of Guam or his substitute;

10 (b) The judges of the District Court, and Superior Court;

11 (c) All ordained clergymen and priests of whatsoever  
12 religious faith who are recognized as such by the  
13 religious body whose faith they represent.

14 (d) The Director of Revenue and Taxation, the Director of  
15 Public Health and Social Services or the Director of  
16 Administration.

17 (e) The Speaker of the Guam Legislature, or his designee.

18 (f) Mayors and Vice-Mayors.”

19 **Section 4.** §3205 of Chapter 3, Division 1, Article 2 is hereby  
20 *amended* as follows:

21 “§3205. Obligatory Upon Judge, the Director of Revenue and  
22 Taxation, the Director of Public Health & Social Services or the  
23 Director of Administration. The duty of solemnizing the

1 marriage ceremony on any day shall be obligatory upon all the  
2 judges, the Director of Revenue and Taxation or the Director of  
3 Administration. The fee shall be Ten Dollars (\$10.00)."