

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 398, "An Act to repeal and reenact Section 69 of the Civil Code relative to the issuance of marriage licenses", was on the 17th day of November, 1975, duly and regularly passed.

Joseph F. Ada
JOSEPH F. ADA
Speaker

ATTESTED:

Concepcion Cruz Barrett
CONCEPCION CRUZ BARRETT
Legislative Secretary

This Act was received by the Governor this 17th day of
November, 1975 at 3:25 o'clock P.M.

/s/ Ruth F. Won Pat

RUTH F. WON PAT
Assistant Staff Officer
Governor's Office

APPROVED:

/s/ RICARDO J. BORDALLO
RICARDO J. BORDALLO
Governor of Guam

DATED: DEC 5 1975

8:00 A.M.

P.L. 13-109

THIRTEENTH GUAM LEGISLATURE
1975 (FIRST) Regular Session

Bill No. 398
Substituted by the Committee
on Judiciary

Introduced by J. H. Underwood

AN ACT TO REPEAL AND REENACT SECTION 69
OF THE CIVIL CODE RELATIVE TO THE ISSUANCE
OF MARRIAGE LICENSES.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

2 Section 1. Section 69 of the Civil Code is repealed and
3 reenacted to read:

4 "Section 69. Marriage licenses. (a) All persons
5 about to be joined in marriage must first obtain a
6 license therefor, from the Department of Revenue and
7 Taxation, which license must show:

8 (1) The identity of the parties.

9 (2) Their full names, residence and place of birth.

10 (3) Their date of birth.

11 (4) Their citizenship.

12 (5) If an alien, whether a resident alien or a
13 nonimmigrant alien.

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

19 (7) Whether the female elects to retain her
20 maiden name as her surname upon marriage as provided
21 for by Section 64.

1 (b) No license shall be issued when either of the
2 applicants therefor is an imbecile, insane as determined
3 by the proper authority or who at the time of making the
4 application or proofs required for said license, is under
5 the influence of intoxicating liquor, or narcotic drug.
6 If an applicant is under the age of 18, and has not been
7 previously married, no license shall be issued, unless
8 the consent in writing of a parent or guardian of the
9 person under age is presented with the application. The
10 consent must be verified and such consent shall be
11 retained with the application in the files of the
12 Department of Revenue and Taxation. The fact of the
13 consent shall be noted upon the license. No license shall
14 be issued permitting marriage between first cousins,
15 between an adoptive parent and an adoptive child, between a
16 step-parent and a step-child or between a guardian and a
17 ward unless a written order authorizing such a marriage has
18 been issued by the Superior Court.

19 (c) Applications for a marriage license shall be
20 made on a form prescribed by the Director of Revenue and
21 Taxation and must be sworn to by both applicants before the
22 Director of Revenue and Taxation or his designee. No
23 license shall be issued until after the expiration of five
24 days after the filing of the application unless the applicants
25 shall execute an affidavit under oath showing good cause
26 why the waiting period should be waived. Upon the filing
27 of such an affidavit the Director of Revenue and Taxation
28 or his designee may authorize the immediate issuance of a
29 marriage license.

1 (d) For the purpose of ascertaining all facts
2 mentioned or required in this Section, the Director of
3 Revenue and Taxation, or his designee, may examine under
4 oath, or require written affidavits from, the applicants
5 for a license and as many supporting witnesses as he
6 deems necessary. Such examination shall be reduced to
7 writing and subscribed by all parties swearing to the
8 facts therein. In the case of termination of a previous
9 marriage by divorce or annulment, the applicant shall
10 furnish a certified copy of the final decree of divorce or
11 annulment. In the case of termination of a previous
12 marriage by death of the spouse, the applicant shall
13 furnish a certified copy of the record of death. If a
14 certified copy of a final decree or divorce, annulment,
15 or record of death as required herein is not available, the
16 applicant may submit in lieu thereof an affidavit setting
17 forth, in such form as the Director may require, the
18 reason why it is not obtainable.

19 (e) Any application for a marriage license, and
20 any allied document, on file with the Director of Revenue
21 and Taxation shall be open to public inspection.

22 (f) Any person who shall swear falsely to an
23 application for marriage license, or who shall make or
24 present any false affidavit, statement, or testimony
25 in any proceeding under subsection (d), shall be guilty
26 of a felony and shall be subject to a fine of not more
27 than \$1,000.00 or imprisonment for not more than five
28 years, or both.

29 (g) No marriage license shall be effective nor shall

1 it authorize the performance of a marriage ceremony after
2 the expiration of 60 days from the date of issuance of
3 such license. This provision shall be printed on each
4 license in prominent type.

5 (h) The Director of Revenue and Taxation and his
6 designees are authorized to administer oaths in
7 connection with the administration of this Section.

8 (i) A fee of \$10.00 shall accompany each application
9 for a marriage license and shall not be refunded if the
10 license is not issued or used. No marriage license fees
11 collected by the government of Guam prior to the enactment
12 of this subsection shall be refunded."

13 Section 2. This Act shall become effective January 1, 1976.