

SUBJECT: Exempting DOD civilian employees from marriage waiting period

COMMITTEE: Juvenile Justice and Family Issues — favorable, without amendment

VOTE: 5 ayes — Dutton, Jr., Goodman, Castro, Nixon, Strama
0 nays
4 absent — Y. Davis, Dunnam, J. Moreno, Thompson

WITNESSES: For — None
Against — None
On — Dale Gorczynksi

BACKGROUND: A marriage license may be obtained through a county clerk's office, and the license is valid for a marriage that occurs between 72 hours and 30 days from the time it is issued. The 72-hour waiting period after issuance of a marriage license does not apply to an applicant who is a member of the armed forces on active duty. The waiting period also may be waived if a judge finds that there is good cause for the marriage to take place during that period.

DIGEST: HB 418 would add an exemption to the 72-hour waiting period so that an employee or contractor of the U.S. Department of Defense (DOD) could marry immediately after receiving a marriage license.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2005.

SUPPORTERS SAY: Civilian contractors and employees of the Department of Defense provide a great service to the nation and often must work in war zones alongside members of the armed forces. These contractors often are called up in an emergency and must ship off at a moment's notice with no clear indication of when they might return. The work they perform is unique among

civilian jobs in that it is designed specifically to facilitate the duties of our service men and women.

HB 418 would grant the civilians who must face similar jeopardy to that faced by soldiers the right to marry quickly upon receiving news that their work will send them to dangerous places abroad. Not only is this a privilege these individuals have earned due to the service they provide to the nation, but it also would help them secure their personal affairs should they encounter unfortunate circumstances while working in harm's way.

**OPPONENTS
SAY:**

This bill would create a precedent under which other civilians could seek exemptions from the 72-hour waiting period. Many civilian workers other than those who work for the DOD, such as humanitarian aid personnel, must mobilize quickly in response to crises. These individuals provide just as great a service as do non-military defense workers.

The 72-hour waiting period is designed to serve as a "cooling-off" period in which couples have time to think about the commitment they are about to make. The bill does not specify the circumstances under which DOD employees would obtain this exemption, so it could remove the benefits of a waiting period from individuals who utilized the provision in situations other than emergencies. Current law allows judges to review waiver requests to determine whether or not an individual's circumstances dictate a need for the exemption. This bill would remove such discretion from judges in some cases.