20101823D

1 **HOUSE BILL NO. 180**
2 Offered January 8, 2020
3 Prefiled December 26, 2019
4 *A BILL to amend and reenact § 32.1-267 of the Code of Virginia, relating to records of marriages;*
5 *identification of race.*
6 _____
Patrons—Levine, Lopez, Guy, Kory, Rasoul, Roem, Samirah and Willett
7 _____
8 Referred to Committee on Health, Welfare and Institutions
9 _____
10 **Be it enacted by the General Assembly of Virginia:**
11 **1. That § 32.1-267 of the Code of Virginia is amended and reenacted as follows:**
12 **§ 32.1-267. Records of marriages; duties of officer issuing marriage license and person**
13 **officiating at ceremony; blocking of social security number.**
14 A. For each marriage performed in the Commonwealth, a record showing personal data, including
15 but not limited to *the* age and race of the married parties,*;* the marriage license,*;* and the certifying
16 statement of the facts of marriage shall be filed with the State Registrar as provided in this section.
17 B. The officer issuing a marriage license shall prepare the record based on the information obtained
18 under oath or by affidavit from the parties to be married. The parties shall also include their social
19 security numbers or other control numbers issued by the Department of Motor Vehicles pursuant to
20 § 46.2-342 and affix their signatures to the application for such license.
21 C. Every person who officiates at a marriage ceremony shall certify to the facts of marriage and file
22 the record in duplicate with the officer who issued the marriage license within five days after the
23 ceremony. In the event such officiant dies or becomes incapacitated before completing the certificate of
24 marriage, the official who issued the marriage license shall complete the certificate of marriage upon the
25 order of the court to which is submitted proof that the marriage was performed.
26 D. Every officer issuing marriage licenses shall on or before the tenth day of each calendar month
27 forward to the State Registrar a record of each marriage filed with him during the preceding calendar
28 month.
29 E. The State Registrar shall furnish forms for the marriage license, marriage certificate, and
30 application for marriage license used in the Commonwealth. Such forms shall be configured so as to
31 cause the social security number or control number required pursuant to the provisions of subsection B
32 to appear only on the application for marriage license retained by the officer issuing the marriage license
33 and the copy of such license forwarded to the State Registrar pursuant to the provisions of subsection D.
34 F. Applications for marriage licenses filed on and after July 1, 1997, and marriage registers recording
35 such applications, which have not been configured to prevent disclosure of the social security number or
36 control number required pursuant to the provisions of subsection B of this section shall not be available
37 for general public inspection in the offices of clerks of the circuit courts. The clerk shall make such
38 applications and registers available for inspection only (i) upon the order of the circuit court within
39 which such application was made or register is maintained, (ii) pursuant to a lawful subpoena duces
40 tecum issued to the clerk, (iii) upon the written authorization of either of the applicants, or (iv) upon the
41 request of a law-enforcement officer or duly authorized representative of the Division of Child Support
42 Enforcement in the course of performing his official duties. Nothing in this subsection shall be construed
43 to restrict public access to marriage licenses or to prohibit the clerk from making available to the public
44 applications for marriage licenses and marriage registers stored in any electronic medium or other format
45 that permits the blocking of the field containing the social security or control number required pursuant
46 to the provisions of subsection B of this section, so long as access to such number is blocked.