



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBa1673/1
PJK:jld:jf

**SENATE AMENDMENT 1,
TO 2003 ASSEMBLY BILL 475**

November 5, 2003 – Offered by Senator CARPENTER.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 15: after “woman” insert “, neither of whom has previously been
3 married and divorced”.

4 **2.** Page 3, line 7: after “man” insert “who has not previously been married and
5 divorced”.

6 **3.** Page 3, line 7: after “woman” insert “who has not previously been married
7 and divorced”.

8 **4.** Page 3, line 12: delete that line and substitute “one man who has not
9 previously been married and divorced and one woman who has not previously been
10 married and divorced is defined as valid, only marriage between one such man and
11 one such”.

12 **5.** Page 3, line 13: after that line insert:

13 “**SECTION 3c.** 765.03 (2) of the statutes is amended to read:

1 765.03 (2) It is unlawful for any person, who is or has been a party to an action
2 for divorce in any court in this state, or elsewhere, to marry again until 6 months
3 after judgment of divorce is granted, and the marriage of any such person solemnized
4 before the expiration of 6 months from the date of the granting of judgment of divorce
5 shall be void.

6 **SECTION 3d.** 765.09 (1) (a) of the statutes is renumbered 765.09 (1).

7 **SECTION 3e.** 765.09 (1) (b) of the statutes is repealed.

8 **SECTION 3f.** 765.21 (intro.) of the statutes is renumbered 765.21 and amended
9 to read:

10 **765.21 Unlawful marriages void; validation.** All marriages hereafter
11 contracted in violation of ss. s. 765.02, 765.03, 765.04 and or 765.16 shall be void,
12 except as provided in ss. 765.22 and 765.23. The parties to any such marriage may
13 validate the marriage by complying with the requirements of ss. 765.02 to 765.24 as
14 follows:

15 **SECTION 3g.** 765.21 (1) of the statutes is repealed.

16 **SECTION 3h.** 765.21 (2) of the statutes is repealed.

17 **SECTION 3i.** 765.24 of the statutes is amended to read:

18 **765.24 Removal of impediments to subsequent marriage.** If a person
19 during the lifetime of a husband or wife with whom the marriage is in force, enters
20 into a subsequent marriage contract in accordance with s. 765.16, and the parties
21 thereto live together thereafter as husband and wife, and such subsequent marriage
22 contract was entered into by one of the parties in good faith, in the full belief that the
23 former husband or wife was dead, or that the former marriage had been annulled,
24 ~~or dissolved by a divorce~~, or without knowledge of such former marriage, they shall,
25 after the impediment to their marriage has been removed by the death ~~or divorce~~ of

1 the other party to such former marriage, if they continue to live together as husband
2 and wife in good faith on the part of one of them, be held to have been legally married
3 from and after the removal of such impediment and the issue of such subsequent
4 marriage shall be considered as the marital issue of both parents.

5 **SECTION 3j.** 767.37 (3) of the statutes is amended to read:

6 767.37 (3) When a judgment of divorce is granted it shall be effective
7 immediately ~~except as provided in s. 765.03 (2).~~ Every, and every judge who grants
8 a judgment of divorce shall inform the parties appearing in court that the judgment
9 is effective immediately ~~except as provided in s. 765.03 (2).~~”.

10 **6.** Page 3, line 16: after “woman” insert “, neither of whom has previously been
11 married and divorced,”.

12 **7.** Page 3, line 18: after that line insert:

13 **“SECTION 6. Initial applicability.**

14 (1) The treatment of sections 765.001 (2), 765.03 (2), 765.09 (1) (a) and (b),
15 765.21 (intro.), (1), and (2), and 990.01 (19p) of the statutes, the renumbering and
16 amendment of section 765.01 of the statutes, and the creation of section 765.01 (2)
17 of the statutes first apply to marriages for which application for a license is made on
18 the effective date of this subsection.

19 (2) The treatment of section 765.24 of the statutes first applies to subsequent
20 marriages for which application for a license is made on the effective date of this
21 subsection.”.

22 (END)