



**ASSEMBLY SUBSTITUTE AMENDMENT 2,  
TO 1997 ASSEMBLY BILL 104**

May 13, 1997 - Offered by Representative MURAT.

1 **AN ACT** *to repeal* 765.04 (1) and 765.04 (2); *to renumber* 765.04 (3); *to amend*  
2 765.04 (title) and 765.21 (intro.); and *to create* 765.045 and 765.21 (3) of the  
3 statutes; **relating to:** nonrecognition of certain out-of-state marriages.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

4 **SECTION 1.** 765.04 (title) of the statutes is amended to read:

5 **765.04** (title) **Marriage abroad in this state to circumvent the laws of**  
6 **another state.**

7 **SECTION 2.** 765.04 (1) of the statutes is repealed.

8 **SECTION 3.** 765.04 (2) of the statutes is repealed.

9 **SECTION 4.** 765.04 (3) of the statutes is renumbered 765.04.

10 **SECTION 5.** 765.045 of the statutes is created to read:

11 **765.045 Certain out-of-state marriages void.** If one or both parties to a  
12 marriage that is contracted in another state or jurisdiction are not competent to

1 marry in this state under the laws of this state in existence at the time that their  
2 marriage is contracted, the marriage is void for all purposes in this state.

3 **SECTION 6.** 765.21 (intro.) of the statutes is amended to read:

4 **765.21 Unlawful marriages void; validation.** (intro.) All marriages  
5 hereafter contracted in violation of ss. s. 765.02, 765.03, 765.04 and, 765.045 or  
6 765.16 shall be void, except as provided in ss. 765.22 and 765.23. The parties to any  
7 such marriage may validate the marriage by complying with the requirements of ss.  
8 765.02 to 765.24 as follows:

9 **SECTION 7.** 765.21 (3) of the statutes is created to read:

10 765.21 (3) Except as provided in sub. (2) if s. 765.03 (2) applies, at any time if  
11 the marriage is declared void under s. 765.045 and the parties are both competent  
12 to marry under the laws of this state.

13 (END)