

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 2098

5 By: Representatives S. Meeks, Drown, Gates, Brown, Dotson, C. Douglas, L. Fite, Holcomb, House,
6 Ladyman, Lowery, Lynch, McNair, D. Meeks, Payton, Petty, Rye, Sorvillo, Sullivan, Womack
7 By: Senator Collins-Smith
8

For An Act To Be Entitled

10 AN ACT TO REENACT CERTAIN PROVISIONS OF ARKANSAS LAW
11 TO PROVIDE THAT MARRIAGE SHALL BE ONLY BETWEEN A MAN
12 AND A WOMAN; AND FOR OTHER PURPOSES.
13
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Subtitle

15 TO REENACT CERTAIN PROVISIONS OF ARKANSAS
16 LAW TO PROVIDE THAT MARRIAGE SHALL BE
17 ONLY BETWEEN A MAN AND A WOMAN.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. DO NOT CODIFY. Legislative intent. It is the intent of
24 this act to reenact certain provisions of Arkansas law previously deemed
25 unconstitutional by Jernigan v. Crane, 64 F. Supp. 3d 1260 (E.D. Ark. 2014),
26 aff'd 796 F. 3d 976 (8th Cir. 2015) and Obergefell v. Hodges, 135 S. Ct.
27 2584, 192 L. Ed. 2d 609 (2015).
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29 SECTION 2. Arkansas Code § 9-11-107 is amended to read as follows:
30 ~~9-11-107. Validity of foreign marriages.~~

31 ~~(a) All marriages contracted outside this state that would be valid by~~
32 ~~the laws of the state or country in which the marriages were consummated and~~
33 ~~in which the parties then actually resided shall be valid in all the courts~~
34 ~~in this state.~~

35 ~~(b) This section shall not apply to a marriage between persons of the~~
36 ~~same sex.~~



1 9-11-107. Validity of foreign marriages.

2 (a) All marriages contracted outside this state that would be valid by
 3 the laws of the state or country in which the marriages were consummated and
 4 in which the parties then actually resided shall be valid in all the courts
 5 in this state.

6 (b) This section shall not apply to a marriage between persons of the
 7 same sex.

8
 9 SECTION 3. Arkansas Code § 9-11-109 is amended to read as follows:

10 ~~9-11-109. Validity of same-sex marriages.~~

11 ~~Marriage shall be only between a man and a woman. A marriage between~~
 12 ~~persons of the same sex is void.~~

13 9-11-109. Validity of same-sex marriages.

14 Marriage shall be only between a man and a woman. A marriage between
 15 persons of the same sex is void.

16
 17 SECTION 4. Arkansas Code § 9-11-208 is amended to read as follows:

18 ~~9-11-208. License not issued to persons of the same sex.~~

19 ~~(a)(1)(A) It is the public policy of the State of Arkansas to~~
 20 ~~recognize the marital union only of man and woman.~~

21 ~~(B) A license shall not be issued to a person to marry~~
 22 ~~another person of the same sex, and no same-sex marriage shall be recognized~~
 23 ~~as entitled to the benefits of marriage.~~

24 ~~(2) Marriages between persons of the same sex are prohibited in~~
 25 ~~this state. Any marriage entered into by a person of the same sex, when a~~
 26 ~~marriage license is issued by another state or by a foreign jurisdiction,~~
 27 ~~shall be void in Arkansas, and any contractual or other rights granted by~~
 28 ~~virtue of that license, including its termination, shall be unenforceable in~~
 29 ~~the Arkansas courts.~~

30 ~~(3) However, nothing in this section shall prevent an employer~~
 31 ~~from extending benefits to a person who is a domestic partner of an employee.~~

32 ~~(b) A license shall not be issued to a person to marry unless and~~
 33 ~~until the female shall attain the age of sixteen (16) years and the male the~~
 34 ~~age of seventeen (17) years and then only by written consent by a parent or~~
 35 ~~guardian until the male shall have attained the age of eighteen (18) years~~
 36 ~~and the female the age of eighteen (18) years.~~

1 9-11-208. License not issued to persons of the same sex.

2 (a)(1)(A) It is the public policy of the State of Arkansas to
 3 recognize the marital union only of man and woman.

4 (B) A license shall not be issued to a person to marry
 5 another person of the same sex, and no same-sex marriage shall be recognized
 6 as entitled to the benefits of marriage.

7 (2) Marriages between persons of the same sex are prohibited in
 8 this state. Any marriage entered into by a person of the same sex, when a
 9 marriage license is issued by another state or by a foreign jurisdiction,
 10 shall be void in Arkansas, and any contractual or other rights granted by
 11 virtue of that license, including its termination, shall be unenforceable in
 12 the Arkansas courts.

13 (3) However, nothing in this section shall prevent an employer
 14 from extending benefits to a person who is a domestic partner of an employee.

15 (b) A license shall not be issued to a person to marry unless and
 16 until the female shall attain the age of sixteen (16) years and the male the
 17 age of seventeen (17) years and then only by written consent by a parent or
 18 guardian until the male shall have attained the age of eighteen (18) years
 19 and the female the age of eighteen (18) years.

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