



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-2620/1

SWB:cdc

2023 ASSEMBLY BILL 291

May 25, 2023 - Introduced by Representatives DUCHOW, MACCO, NOVAK, KITCHENS, STEFFEN, MYERS, SUBECK, CABRERA, C. ANDERSON, CONLEY, MURSAU, OHNSTAD, PALMERI, SAPIK and SINICKI, cosponsored by Senators BALLWEG, FELZKOWSKI, ROYS and TAYLOR. Referred to Committee on Family Law.

AN ACT *to repeal* 765.03 (2), 765.09 (1) (b) and 765.21 (2); *to renumber* 765.03 (1) and 765.09 (1) (a); *to consolidate, renumber and amend* 765.21 (intro.) and (1); and *to amend* 765.03 (title) and 767.35 (3) of the statutes; **relating to:** waiting period for marriage after divorce judgment.

Analysis by the Legislative Reference Bureau

This bill eliminates the prohibition against a person marrying for six months after the grant of that person's judgment of divorce. Under current law, a person who was married and party to a divorce action in this or another state may not marry again until six months after a judgment of divorce is granted. This bill eliminates the waiting period.

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

SECTION 1. 765.03 (title) of the statutes is amended to read:

765.03 (title) Who shall not marry; ~~divorced persons~~.

SECTION 2. 765.03 (1) of the statutes is renumbered 765.03.

ASSEMBLY BILL 291**SECTION 3**

SECTION 3. 765.03 (2) of the statutes is repealed.

SECTION 4. 765.09 (1) (a) of the statutes is renumbered 765.09 (1).

SECTION 5. 765.09 (1) (b) of the statutes is repealed.

SECTION 6. 765.21 (intro.) and (1) of the statutes are consolidated, renumbered 765.21 and amended to read:

765.21 Unlawful marriages void; validation. All marriages hereafter contracted in violation of ss. 765.02, 765.03, 765.04, and 765.16 shall be void, except as provided in ss. 765.22 and 765.23. The parties to any such marriage may validate the marriage by complying with the requirements of ss. 765.02 to 765.24 as follows: ~~(1) At~~ at any time, if the marriage is declared void under s. 765.02 or 765.16.

SECTION 7. 765.21 (2) of the statutes is repealed.

SECTION 8. 767.35 (3) of the statutes is amended to read:

767.35 (3) WHEN DIVORCE JUDGMENT EFFECTIVE. A judgment of divorce is effective when granted. ~~A court granting a judgment of divorce shall inform the parties appearing in court that the judgment is effective when granted but that it is unlawful under s. 765.03 (2) for a party to marry again until 6 months after the judgment is granted.~~ This section does not prevent application of enforceable orders prior to the divorce judgment as set forth in s. 767.333.

(END)