

State of Wisconsin



2003 Assembly Bill 475

Date of enactment:
Date of publication*:

2003 WISCONSIN ACT

AN ACT to renumber and amend 765.01; to amend 765.001 (2); and to create 765.01 (2), 990.01 (19p) and 990.01 (39) of the statutes; relating to: marriage between one man and one woman.

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

SECTION 1. 765.001 (2) of the statutes is amended to read:

765.001 (2) INTENT. It is the intent of chs. 765 to 768 to promote the stability and best interests of marriage and the family. It is the intent of the legislature to recognize the valuable contributions of both spouses during the marriage and at termination of the marriage by dissolution or death. Marriage is the institution that is the foundation of the family and of society. Its stability is basic to morality and civilization, and of vital interest to society and the state. The consequences of the marriage contract are more significant to society than those of other contracts, and the public interest must be taken into account always. The seriousness of marriage makes adequate premarital counseling and education for family living highly desirable and courses thereon are urged upon all persons contemplating marriage. The impairment or dissolution of the marriage relation generally results in injury to the public wholly apart from the effect upon the parties immediately concerned. It is the public policy of this state that marriage may be contracted only between one man and one woman. Under the laws of this state, marriage is a legal relationship between 2 equal persons, a husband and wife, who owe to each other mutual

responsibility and support. Each spouse has an equal obligation in accordance with his or her ability to contribute money or services or both which are necessary for the adequate support and maintenance of his or her minor children and of the other spouse. No spouse may be presumed primarily liable for support expenses under this subsection.

SECTION 2. 765.01 of the statutes is renumbered 765.01 (1) and amended to read:

765.01 (1) Marriage, so far as its validity at law is concerned, is a civil contract between one man and one woman, to which the consent of the parties capable in law of contracting is essential, and which creates the legal status of husband and wife.

SECTION 3. 765.01 (2) of the statutes is created to read:

765.01 (2) Regardless of whether s. 765.04 applies and regardless of whether a marriage takes place in another jurisdiction in which marriage other than between one man and one woman is defined as valid, only marriage between one man and one woman shall be recognized as valid in this state.

SECTION 4. 990.01 (19p) of the statutes is created to read:

990.01 (19p) MARRIAGE. "Marriage" means a civil contract between one man and one woman that creates the legal status for the parties of husband and wife.

* Section 991.11, WISCONSIN STATUTES 2001-02 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

SECTION 5. 990.01 (39) of the statutes is created to
read:

990.01 (39) SPOUSE. “Spouse” means a party to a
marriage.
