

HOUSE BILL 631

D4

8lr0890

By: **Delegates Pendergrass, Ali, Guzzone, Montgomery, and F. Turner**

Introduced and read first time: February 1, 2008

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Change Term “Marriage” to “Civil Marriage”**

3 FOR the purpose of changing the term “marriage” to “civil marriage” in certain
4 provisions of law; requiring the publisher of the Annotated Code of Maryland, in
5 consultation with the Department of Legislative Services, to change all
6 references in the Code to the term “marriage” to the term “civil marriage”;
7 reenacting the current law that provides that the performance of a marriage
8 ceremony by a judge, court clerk, or deputy clerk does not affect the right of any
9 official of a religious denomination to perform a marriage ceremony in
10 accordance with the rules and customs of that denomination; and generally
11 relating to the use of the term “civil marriage” in the Annotated Code of
12 Maryland.

13 BY repealing and reenacting, with amendments,
14 Article – Family Law
15 Section 1–201(a)(3), 2–101(b), 2–201, 2–202(a), and 2–406
16 Annotated Code of Maryland
17 (2006 Replacement Volume and 2007 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Family Law**

21 1–201.

22 (a) An equity court has jurisdiction over:

23 (3) annulment of a **CIVIL** marriage;

24 2–101.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) “Authorized official” means an individual authorized by the laws of this
2 State to perform a **CIVIL** marriage ceremony.

3 2–201.

4 Only a **CIVIL** marriage between a man and a woman is valid in this State.

5 2–202.

6 (a) Any **CIVIL** marriage performed in this State that is prohibited by this
7 section is void.

8 2–406.

9 (a) (1) In this subsection, “judge” means:

10 (i) a judge of the District Court, a circuit court, the Court of
11 Special Appeals, or the Court of Appeals;

12 (ii) a judge approved under Article IV, § 3A of the Maryland
13 Constitution and § 1–302 of the Courts Article for recall and assignment to the District
14 Court, a circuit court, the Court of Special Appeals, or the Court of Appeals;

15 (iii) a judge of a United States District Court or a United States
16 Court of Appeals; or

17 (iv) a judge of a state court if the judge is active or retired but
18 eligible for recall.

19 (2) A **CIVIL** marriage ceremony may be performed in this State by:

20 (i) any official of a religious order or body authorized by the
21 rules and customs of that order or body to perform a marriage ceremony;

22 (ii) any clerk;

23 (iii) any deputy clerk designated by the county administrative
24 judge of the circuit court for the county; or

25 (iv) a judge.

26 (b) Within 6 months after a license becomes effective, any authorized official
27 may perform the **CIVIL** marriage ceremony of the individuals named in the license.

1 (c) (1) An individual may not perform a **CIVIL** marriage ceremony unless
2 the individual is authorized to perform a **CIVIL** marriage ceremony under subsection
3 (a) of this section.

4 (2) An individual who violates this subsection is guilty of a
5 misdemeanor and on conviction is subject to a fine of \$500.

6 (d) (1) An individual may not knowingly perform a **CIVIL** marriage
7 ceremony between individuals who are prohibited from marrying under § 2-202 of this
8 title.

9 (2) An individual who violates the provisions of this subsection is
10 guilty of a misdemeanor and on conviction is subject to a fine of \$500.

11 (e) (1) An individual may not perform a **CIVIL** marriage ceremony
12 without a license that is effective under this subtitle.

13 (2) An individual who violates the provisions of this subsection is
14 guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500.

15 (f) The county administrative judge of the circuit court for the county shall
16 designate:

17 (1) when and where the clerk or deputy clerk may perform a **CIVIL**
18 marriage ceremony; and

19 (2) the form of the **CIVIL** marriage ceremony to be recited by the clerk
20 or deputy clerk and the parties being married.

21 (g) This section does not affect the right of any religious denomination to
22 perform a marriage ceremony in accordance with the rules and customs of the
23 denomination.

24 SECTION 2. AND BE IT FURTHER ENACTED, That the publisher of the
25 Annotated Code of Maryland, in consultation with and subject to the approval of the
26 Department of Legislative Services, shall change all references to the term “marriage”
27 to the term “civil marriage” in the Annotated Code of Maryland and correct, with no
28 further action required by the General Assembly, cross-references and terminology
29 rendered incorrect by this Act or by any other Act of the General Assembly of 2008
30 that affects provisions enacted by this Act. The publisher shall adequately describe
31 any such correction in an editor’s note following the section affected.

32 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2008.