

SENATE BILL 17

D4

(PRE-FILED)

4lr0500
CF 4lr0551

By: **Senators Montgomery, Forehand, and Madaleno**

Requested: September 12, 2013

Introduced and read first time: January 8, 2014

Assigned to: Judicial Proceedings

A BILL ENTITLED

AN ACT concerning

Family Law – Performance of Marriage Ceremonies

FOR the purpose of authorizing a certain individual authorized by a clerk of a circuit court to perform a marriage ceremony in the State; establishing that the authority of a certain individual to perform a marriage ceremony expires at a certain time; authorizing the Court of Appeals to adopt rules to implement this Act; and generally relating to the performance of marriage ceremonies.

BY repealing and reenacting, with amendments,

Article – Family Law

Section 2–406

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,

Article – Family Law

Section 2–409

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

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

Article – Family Law

2–406.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

(iii) a judge of a United States District Court, a United States Court of Appeals, or the United States Tax Court; or

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

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

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

(ii) any clerk;

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

(iv) a judge; **OR**

(V) AN INDIVIDUAL TEMPORARILY AUTHORIZED BY A CLERK TO PERFORM A SPECIFIC MARRIAGE CEREMONY.

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

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

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

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

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

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

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

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

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

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

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

(H) (1) THE AUTHORITY OF AN INDIVIDUAL DESCRIBED IN SUBSECTION (A)(2)(V) OF THIS SECTION TO PERFORM A SPECIFIC MARRIAGE CEREMONY SHALL EXPIRE WHEN THE INDIVIDUAL RETURNS THE MARRIAGE CERTIFICATE TO THE CLERK UNDER § 2-409 OF THIS SUBTITLE.

(2) THE COURT OF APPEALS MAY ADOPT RULES TO IMPLEMENT THE PROVISIONS OF SUBSECTION (A)(2)(V) OF THIS SECTION.

2-409.

(a) Each marriage certificate shall contain:

(1) the name, signature, and title of the authorized official who performs the marriage ceremony; or

(2) if the individuals are married in a Society of Friends marriage ceremony, the signatures of the individuals and the attestation of the certificate by 2 overseers of the marriage ceremony.

(b) (1) The authorized official who performs the marriage ceremony shall:

(i) hand 1 marriage certificate to the individuals; and

(ii) return, within 5 days from the date of the marriage ceremony, the other marriage certificate to the clerk who issued the license to which the certificates were attached, but if the authorized official who performs the marriage ceremony dies or resigns, some other individual shall return the certificate.

(2) If the individuals are married in a Society of Friends marriage ceremony, they:

(i) may keep 1 marriage certificate; and

(ii) within 5 days from the date of the marriage ceremony, shall return the other marriage certificate to the clerk who issued the license to which the certificates were attached.

(c) If the marriage certificate is not returned within 6 months after the date on which the license becomes effective, the clerk who issued the license shall attempt to determine whether the marriage ceremony was performed and, if so, the name of the authorized official who performed the marriage ceremony.

(d) (1) An individual who performs a marriage ceremony or who is married in a Society of Friends marriage ceremony may not violate the provisions of subsection (b)(1)(ii) or (2)(ii) of this section.

(2) An individual who violates any provision of this subsection is guilty of a misdemeanor and on conviction is subject to a fine in an amount that the court considers appropriate.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.