

HOUSE BILL 36
EMERGENCY BILL

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D4

2002 Regular Session
2lr0557

(PRE-FILED)

By: **Delegate Boschert**

Requested: September 28, 2001

Introduced and read first time: January 9, 2002

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Marriage License Fees - Exemption for Military Personnel**

3 FOR the purpose of waiving certain marriage license fees for members of the United
4 States Armed Forces and the National Guard of this State and all other states;
5 and making this Act an emergency measure.

6 BY repealing and reenacting, with amendments,
7 Article - Family Law
8 Section 2-404
9 Annotated Code of Maryland
10 (1999 Replacement Volume and 2001 Supplement)

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

13 **Article - Family Law**

14 2-404.

15 (a) (1) The fee for a license is \$10.

16 (2) The clerk shall:

17 (i) retain \$5 of the fee; and

18 (ii) pay \$5 of the fee into the general fund of the county.

19 (3) (i) A party to be married may obtain a replacement for a valid
20 marriage license while the license is valid.

21 (ii) The fee for a replacement license is \$10, payable into the
22 General Fund of the State.

23 (b) Except as otherwise provided in this section:

1 (1) any county or group of 2 or more counties may set an additional fee of
2 up to \$25 for each license; and

3 (2) the proceeds shall be used to fund domestic violence programs.

4 (c) In Anne Arundel County:

5 (1) the County Council may set by ordinance an additional fee of up to
6 \$45 for each license;

7 (2) the clerk shall pay the proceeds from the additional fee to the general
8 fund of the County each month; and

9 (3) the County Council shall distribute the proceeds to promote or fund
10 domestic violence programs.

11 (d) In Baltimore City:

12 (1) the Mayor and City Council may set by ordinance an additional fee as
13 authorized in this section for each license;

14 (2) the clerk shall pay the proceeds from the additional fee to the Mayor
15 and City Council each month; and

16 (3) the proceeds shall be used to fund domestic violence programs that
17 have 24-hour intake ability.

18 (e) In Baltimore County:

19 (1) the County Council may set by resolution an additional fee of up to
20 \$15 for each license;

21 (2) the clerk shall pay the proceeds from the additional fee to the
22 Director of Finance of the County each month;

23 (3) the proceeds, in addition to designated federal, State, and County
24 funds, shall be used to fund battered spouse shelters and domestic violence programs
25 established under Title 4, Subtitle 5 of this article; and

26 (4) the County Executive shall prepare and make available an annual
27 report on or before December 1 of each year on the disposition of fees collected under
28 this subsection during the previous fiscal year.

29 (f) In Calvert County:

30 (1) the Board of County Commissioners may set an additional fee of up
31 to \$55 for each license;

32 (2) the clerk shall pay the proceeds from the additional fee to the County
33 Commissioners each month; and

1 (3) the proceeds shall be used to fund battered spouse shelters and
2 domestic violence programs in Calvert County.

3 (g) In Cecil County:

4 (1) the Board of County Commissioners shall set an additional fee of \$20
5 for each license;

6 (2) the clerk shall pay the proceeds from the additional fee to the County
7 Treasurer each month;

8 (3) the proceeds in addition to designated federal funds and County
9 funds shall be given to the Cecil County Department of Social Services Advisory
10 Board to be used to fund battered spouse shelters and domestic violence programs;
11 and

12 (4) the Cecil County Department of Social Services Advisory Board shall
13 prepare and make available to the Board of County Commissioners an annual report
14 on or before December 1 of each year of the disposition of fees collected under this
15 subsection during the previous fiscal year.

16 (h) In Charles County:

17 (1) the Board of County Commissioners may set an additional fee of up
18 to \$35 for each license;

19 (2) the clerk shall pay the proceeds from the additional fee to the County
20 Commissioners each month; and

21 (3) the proceeds shall be used to fund domestic violence programs located
22 in Charles County.

23 (i) In Frederick County:

24 (1) the Board of County Commissioners may set an additional fee, in an
25 amount not to exceed \$65, for each license;

26 (2) the clerk shall pay the proceeds from the additional fee to the County
27 Commissioners each month; and

28 (3) the proceeds, in addition to designated federal, State, and County
29 funds, shall be used to fund domestic violence programs established under Title 4,
30 Subtitle 5 of this article.

31 (j) In Garrett County:

32 (1) the Board of County Commissioners may set an additional fee of up
33 to \$40 for each license;

34 (2) the clerk shall pay the proceeds from the additional fee to the County
35 Commissioners each month; and

1 (3) the proceeds shall be used to fund domestic violence programs in
2 Garrett County.

3 (k) In Harford County:

4 (1) the County Council may set by resolution an additional fee of up to
5 \$40 for each license;

6 (2) the clerk shall:

7 (i) retain 3% of the proceeds from the additional fee for processing;

8 (ii) pay \$5 of the proceeds from each license to the Harford County
9 Sexual Assault/Spousal Abuse Resource Center, Inc.; and

10 (iii) pay the remaining proceeds to the Treasurer of Harford County
11 each month;

12 (3) the County:

13 (i) shall use the proceeds, in addition to designated federal, State,
14 and County funds, to fund battered spouse shelters and domestic violence programs;
15 and

16 (ii) may make in-kind contributions to battered spouse and
17 domestic violence programs; and

18 (4) the County Executive shall prepare and make available an annual
19 report on or before December 1 of each year on the disposition of fees collected under
20 this subsection during the previous fiscal year.

21 (l) In Howard County:

22 (1) the County Council may set by resolution an additional fee as
23 authorized in this section for each license;

24 (2) the clerk shall pay the proceeds from the additional fee to the
25 Director of Finance of the County each month;

26 (3) the proceeds, in addition to designated federal, State, and County
27 funds, shall be used to fund battered spouse shelters and domestic violence programs
28 established under Title 4, Subtitle 5 of this article; and

29 (4) the County Executive shall prepare and make available an annual
30 report on or before December 1 of each year on the disposition of fees collected under
31 this subsection during the previous fiscal year.

32 (m) In Montgomery County:

33 (1) the County Council may set by resolution an additional fee of up to
34 \$45 for each license;

1 (2) the clerk shall pay the proceeds from the additional fee to the
2 Director of Finance of the County each month;

3 (3) the proceeds, in addition to designated federal, State, and County
4 funds, shall be used to fund battered spouse shelters and domestic violence programs;
5 and

6 (4) the County Executive shall prepare and make available an annual
7 report on or before December 1 of each year on the disposition of fees collected under
8 this subsection during the previous fiscal year.

9 (n) In Prince George's County:

10 (1) the County Council may set by resolution an additional fee of up to
11 \$45 for each license;

12 (2) the clerk shall pay the proceeds from the additional fee to the
13 Director of Finance of the County each month;

14 (3) the proceeds, in addition to designated federal, State, and County
15 funds, shall be used to fund battered spouse shelters and domestic violence programs;
16 and

17 (4) the County Executive shall prepare and make available an annual
18 report on or before December 1 of each year on the disposition of fees collected under
19 this subsection during the previous fiscal year.

20 (o) In Washington County:

21 (1) the Board of County Commissioners may set an additional fee of up
22 to \$50 for each license;

23 (2) the clerk shall pay the proceeds from the additional fee to the County
24 Commissioners each month; and

25 (3) the proceeds shall be used to fund battered spouse shelters and
26 domestic violence programs in Washington County.

27 (P) A FEE ESTABLISHED UNDER THIS SECTION SHALL BE WAIVED IF ONE OF
28 THE PARTIES TO BE MARRIED IS A MEMBER OF THE UNITED STATES ARMED FORCES
29 OR A MEMBER OF THE NATIONAL GUARD OF THIS STATE OR OF ANY OTHER STATE.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
31 measure, is necessary for the immediate preservation of the public health or safety,
32 has been passed by a ye and nay vote supported by three-fifths of all the members
33 elected to each of the two Houses of the General Assembly, and shall take effect from
34 the date it is enacted.