

**Department of Legislative Services**  
Maryland General Assembly  
2002 Session

**FISCAL NOTE**  
**Revised**

Senate Bill 404

(Senator Forehand, *et al.*)

Judicial Proceedings

Judiciary

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**Family Law - Marriage Ceremonies - Judges**

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This bill authorizes a judge to perform a marriage ceremony in the State.

The bill takes effect June 1, 2002.

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**Fiscal Summary**

**State Effect:** The bill would not directly affect State operations or finances.

**Local Effect:** Minimal decrease in local revenues due to marriage ceremonies being performed by judges rather than court clerks.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** The bill defines a judge, for purposes of allowing a judge to perform a marriage ceremony in Maryland, as:

- a sitting or retired judge of the District Court, a circuit court, the Court of Special Appeals, the Court of Appeals, the U.S. District Court for the District of Maryland, or the U.S. Court of Appeals for the Fourth Circuit; or
- a sitting or retired judge of another state or federal court that has substantially equivalent jurisdiction.

**Current Law:** A marriage ceremony may be performed in the State by:

- an official of a religious order or body authorized by the rules and customs of that order or body to perform a marriage ceremony;
- a clerk of a circuit court; or
- a deputy clerk of a circuit court designated by the county circuit court administrative judge.

By statute, the clerk's or deputy clerk's fee for performing a marriage ceremony is \$25 (in Cecil County, the fee is \$30); \$10 of this fee goes to the county general fund. The remainder is retained by the clerk, and in some counties, a portion is paid to a historical society.

**Background:** Maryland is one of only four states (North Carolina, South Carolina, and Massachusetts are the other three) that do not permit judges to perform marriage ceremonies. In the surrounding jurisdictions, Virginia allows any judge or justice of a court of record or any retired judge or justice (of the commonwealth or otherwise) to perform a marriage. Similarly, the District of Columbia allows any judge or justice of any court of record to perform a marriage. In Pennsylvania, a judge, justice, or district justice of the commonwealth; a former or retired judge, justice, or district justice of the commonwealth serving in senior status; an active or senior judge of a federal district court in the commonwealth; and an active or senior judge of the U.S. Court of Appeals for the Third Circuit who is also a commonwealth resident, may all perform a marriage.

**Local Fiscal Effect:** Any ceremony performed by a judge in lieu of a circuit court clerk or deputy clerk will result in a loss in local revenue of \$25 per ceremony (\$30 in Cecil County). Although the number of instances where this would occur cannot be reliably quantified, any revenue loss is expected to be minimal.

As a point of reference, Prince George's County receives about \$21,000 per year in general fund revenue and Prince George's Heritage, Inc. receives about \$6,300 per year from marriage ceremonies performed by the clerk.

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### **Additional Information**

**Prior Introductions:** A similar bill was introduced in the 2001 session as HB 135. It passed both the House and Senate with amendments. A Conference Committee was appointed. The Conference Committee Report passed the House on third reading. The bill was special ordered in the Senate and no further action was taken.

**Cross File:** HB 106 (Delegate Grosfeld and Vallario) - Judiciary.

**Information Source(s):** Allegany County, Baltimore City, Prince George's County, Talbot County, Judiciary (Administrative Office of the Courts), Department of Legislative Services

**Fiscal Note History:** First Reader - February 6, 2002  
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