

HOUSE BILL 58

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2003 Regular Session
3lr0766
CF 3lr0767

By: **Chairman, Judiciary Committee (By Request - Maryland Judicial Conference)**

Introduced and read first time: January 20, 2003

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: February 11, 2003

CHAPTER _____

1 AN ACT concerning

2 **Marriage Ceremonies - Authorized Officials - Fees**

3 FOR the purpose of altering the definition of "judge" in a provision that authorizes a
4 judge to perform a marriage ceremony; establishing a certain fee for a marriage
5 ceremony performed by a judge; establishing that a judge's, clerk's, or deputy
6 clerk's fee for performing a marriage ceremony is nonrefundable and payable in
7 advance; and generally relating to marriage ceremonies.

8 BY repealing and reenacting, with amendments,
9 Article - Family Law
10 Section 2-406(a) and 2-410(a)(1), (2)(i), and (6)
11 Annotated Code of Maryland
12 (1999 Replacement Volume and 2002 Supplement)

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

15 **Article - Family Law**

16 2-406.

17 (a) (1) In this subsection, "judge" means a [sitting or retired judge of the
18 District Court, a circuit court, the Court of Special Appeals, the Court of Appeals, the
19 United States District Court for the District of Maryland, or the United States Court
20 of Appeals for the Fourth Circuit, or a] sitting or retired judge of [another] A state or
21 federal court [that has substantially equivalent jurisdiction], AS DEFINED BY THE
22 COURT OF APPEALS OF MARYLAND.

- 1 (2) A marriage ceremony may be performed in this State by:
- 2 (i) any official of a religious order or body authorized by the rules
3 and customs of that order or body to perform a marriage ceremony;
- 4 (ii) any clerk;
- 5 (iii) any deputy clerk designated by the county administrative judge
6 of the circuit court for the county; or
- 7 (iv) a judge.

8 2-410.

9 (a) (1) Except as provided in this subsection, a JUDGE, [clerk]CLERK, or
10 deputy clerk may not receive any fee, remuneration, or gift for performing a marriage
11 ceremony.

12 (2) (i) [Except as provided in paragraph (6) of this subsection, the
13 clerk's] A JUDGE'S, CLERK'S, or deputy clerk's fee for performing a marriage ceremony
14 is [\$25] A NONREFUNDABLE FEE, PAYABLE TO THE CLERK BEFORE A MARRIAGE
15 LICENSE IS ISSUED, IN THE AMOUNT OF \$30 IN CECIL COUNTY AND \$25 IN ANY
16 OTHER COUNTY.

17 (6) In Cecil County:

18 (i) [the clerk's or deputy clerk's fee for performing a marriage
19 ceremony is \$30;

20 (ii)] of the funds remaining after the payment into the general fund
21 of the County under paragraph (2)(ii) of this subsection, the clerk shall pay:

22 1. \$5 of each fee to the Cecil Historical Trust, Incorporated;
23 and

24 2. \$5 of each fee to the Historical Society of Cecil County;

25 [(iii)] (II) the Historical Society of Cecil County shall report
26 annually to the Cecil County Commissioners on the use of the funds received under
27 this section;

28 [(iv)] (III) the Cecil Historical Trust, Incorporated shall report
29 annually to the Cecil County Commissioners and the Maryland Historical Trust on
30 the use of all funds received under this section, including a detailed record of the
31 expenditures and receipts of all funds transferred from the Cecil County Committee
32 of the Maryland Historical Trust; and

33 [(v)] (IV) the Cecil County Commissioners or the Maryland
34 Historical Trust may request at any time an audit of the financial records of the Cecil
35 Historical Trust, Incorporated.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 June 1, 2003.