

Department of Legislative Services  
Maryland General Assembly  
2003 Session

FISCAL AND POLICY NOTE

House Bill 250 (Delegate Sophocleus)  
Judiciary

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Family Law - Marriage Ceremonies - Orphans' Court Judges

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This bill authorizes a sitting or retired judge of the orphan's court to perform marriage ceremonies.

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Fiscal Summary

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

**Local Effect:** This bill would not directly affect local government operations or finances.

**Small Business Effect:** None.

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Analysis

**Current Law:** For the purpose of performing marriage ceremonies, a judge is defined as a sitting or retired judge of: (1) the District Court; (2) a circuit court; (3) the Court of Special Appeals; (4) the Court of Appeals; (5) the U.S. District Court for the District of Maryland; or (6) the U.S. Court of Appeals for the Fourth Circuit. The definition also includes a sitting or retired judge of another state or federal court that has substantially equivalent jurisdiction.

A marriage ceremony in Maryland may be performed by: any official of a religious order or body authorized by that order to perform a marriage ceremony, any clerk, any deputy clerk designated by a county administrative judge, or a judge. Only an authorized person

may perform a marriage ceremony. An unauthorized person who performs a marriage ceremony is guilty of a misdemeanor and is subject to a fine of \$500.

A clerk or deputy clerk may not receive any fee, remuneration, or gift for performing a marriage ceremony other than the fee specified in statute. Except for Cecil County, the clerk's or deputy clerk's fee for performing a marriage ceremony is \$25. Ten dollars of this fee goes to the county general fund. The clerk retains the remainder. In some counties, a portion of the remaining fee is paid to a historical society.

In Cecil County, the clerk's or deputy clerk's fee for performing a marriage ceremony is \$30. Of the funds remaining after payment to the general fund, the Cecil County clerk must pay \$5 of each fee to the Cecil Historical Trust, Inc., and \$5 of each fee to the Historical Society of Cecil County.

**Background:** Judges became authorized to perform marriage ceremonies pursuant to Chapter 207 of 2002 (HB 106). The Judiciary reports that since the authorization, about 30 marriages have been performed statewide by judges. Chapter 207 does not specifically authorize judges to charge the customary fee of \$25 (or \$30 in Cecil County) to perform marriage ceremonies.

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### Additional Information

**Prior Introductions:** None.

**Cross File:** None. However, HB 58, which passed the House, transfers the responsibility to define "judge" to the Court of Appeals.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of Legislative Services

**Fiscal Note History:** First Reader - February 19, 2003  
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