

SENATE BILL 514

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2004 Regular Session  
4r1632  
CF 4r1631

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

Introduced and read first time: February 6, 2004

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of clarifying the judges who are authorized to perform marriage  
4 ceremonies in the State; establishing a fee for a marriage ceremony performed  
5 by a Maryland judge; providing that a fee for a marriage ceremony performed by  
6 a Maryland judge is nonrefundable and payable before a marriage license is  
7 issued; and generally relating to marriage ceremonies performed by judges.

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 2003 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] MEANS:

18 (I) a [sitting or retired] judge of the District Court, a circuit court,  
19 the Court of Special Appeals, OR the Court of Appeals[.];

20 (II) A JUDGE APPROVED UNDER ARTICLE IV, § 3A OF THE  
21 MARYLAND CONSTITUTION AND § 1-302 OF THE COURTS ARTICLE FOR RECALL AND  
22 ASSIGNMENT TO THE DISTRICT COURT, A CIRCUIT COURT, THE COURT OF SPECIAL  
23 APPEALS, OR THE COURT OF APPEALS;

24 (III) [the] A JUDGE OF A United States District Court [for the  
25 District of Maryland,] or [the] A United States Court of Appeals [for the Fourth  
26 Circuit,]; or

1 (IV) a [sitting or retired] judge of [another] A state [or federal]  
 2 court [that has substantially equivalent jurisdiction] IF THE JUDGE IS ACTIVE OR  
 3 RETIRED BUT ELIGIBLE FOR RECALL.

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

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

7 (ii) any clerk;

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

10 (iv) a judge.

11 2-410.

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

15 (2) (i) 1. A MARYLAND JUDGE'S FEE FOR PERFORMING A  
 16 MARRIAGE CEREMONY IS A NONREFUNDABLE FEE, PAYABLE TO THE CLERK BEFORE  
 17 A MARRIAGE LICENSE IS ISSUED, IN THE AMOUNT OF \$30 IN CECIL COUNTY AND \$25  
 18 IN ANY OTHER COUNTY.

19 2. [Except as provided in paragraph (6) of this subsection,  
 20 the] THE clerk's or deputy clerk's fee for performing a marriage ceremony is [\$25] \$30  
 21 IN CECIL COUNTY AND \$25 IN ANY OTHER COUNTY.

22 (6) In Cecil County:

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

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

27 1. \$5 of each fee to the Cecil Historical Trust, Incorporated;  
 28 and

29 2. \$5 of each fee to the Historical Society of Cecil County;

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

33 [(iv)] (III) the Cecil Historical Trust, Incorporated shall report  
 34 annually to the Cecil County Commissioners and the Maryland Historical Trust on  
 35 the use of all funds received under this section, including a detailed record of the

1 expenditures and receipts of all funds transferred from the Cecil County Committee  
2 of the Maryland Historical Trust; and

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

6     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 July 1, 2004.