D4 5lr0443

By: Delegates Anderson, Busch, Benson, Boschert, Boteler, C. Davis, Elliott, Franchot, Frank, Hogan, Impallaria, Kelley, King, McComas, Murray, Myers, Oaks, Paige, Parrott, Ross, V. Turner, and Vaughn

Introduced and read first time: February 11, 2005

Assigned to: Judiciary

1 AN ACT concerning

A BILL ENTITLED

2	Family Law - Marriage Licenses - Premarital Preparation Course

- 3 FOR the purpose of altering the waiting period for a marriage license to become
- 4 effective if the parties do not submit a certain certificate verifying that the
- 5 parties have completed a certain premarital preparation course; and generally
- 6 relating to marriage licenses.
- 7 BY repealing and reenacting, with amendments,
- 8 Article Family Law
- 9 Section 2-405
- 10 Annotated Code of Maryland
- 11 (1999 Replacement Volume and 2004 Supplement)
- 12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 13 MARYLAND, That the Laws of Maryland read as follows:
- 14 Article Family Law
- 15 2-405.
- 16 (a) The clerk for the county in which a marriage ceremony is to be performed
- 17 may issue and deliver a license at the time the application is made.
- 18 (b) A license may be issued only at the office of the clerk during regular office
- 19 hours.
- 20 (c) (1) If either party to be married is known to be of an age where the
- 21 parental or guardian's consent and oath, or the licensed physician's certificate,
- 22 required by § 2-301 of this title, is required, the clerk shall obtain the consent and
- 23 oath or the certificate before issuing the license.
- 24 (2) (i) The clerk's record required under this title shall include:

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1 2	written; or			1.	the consent and oath required by § 2-301 of this title, if				
3 4	given and ma	de in per	rson.	2.	the fact that consent was given and an oath was made, if				
5 6	title may not	be made	(ii) a part of		ensed physician's certificate required by § 2-301 of this k's record.				
9	provisions of	ertificate.	itle, the c Except o	elerk who on order o	ual has been issued a license in accordance with the to issued the license shall seal the licensed of the court, the licensed physician's				
11 12	(d) effective:	(1)	Except a	s provide	ded in paragraph (2) of this subsection, a license is not				
15 16	COMPLETION	ON VER	IFYING	BE MAR THAT T	a.m. on the second calendar day after the license is RRIED SUBMIT TO THE CLERK A CERTIFICATE OF THE PARTIES HAVE COMPLETED A PREMARITAL EETS THE REQUIREMENTS OF § 2-404.1 OF THIS				
20 21	LICENSE IS A CERTIFIC	CATE OF AL PRE	F COMPI PARATI	E PARTI LETION	6 A.M. ON THE THIRTIETH CALENDAR DAY AFTER THE TIES TO BE MARRIED DO NOT SUBMIT TO THE CLERK VERIFYING THAT THE PARTIES HAVE COMPLETED A URSE THAT MEETS THE REQUIREMENTS OF § 2-404.1				
25	23 (2) For good cause shown, a judge of the circuit court for the county in which the application is made may sign an authorization for a license to become effective at a time before the waiting period expires, as stated in the authorization, if 1 of the parties to be married is:								
27			(i)	a resider	ent of this State; or				
28			(ii)	a membe	ber of the United States armed forces.				
	(e) If, during the questioning of an applicant for a license, the clerk finds that there is a legal reason why the applicants should not be married, the clerk shall withhold the license unless ordered by the court to issue the license.								
32	(f)	A license	e may be	delivered	ed personally or by mail to:				
33		(1)	either of	the parti	ties to be married; or				
34 35	delivery.	(2)	any pers	on authoi	orized in writing by either of the parties to accept				

15 October 1, 2005.

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1 2	(g) clerk:	(1)	The Department of Health and Mental Hygiene shall provide to each				
3			(i)	birth control information; and			
4 5	the license is	issued.	(ii)	a list of the family planning clinics located in the county where			
6 7	and list avail	(2) able to ea		e clerk issues a license, the clerk shall make the information cant for a license.			
8	(h)	(1)	A clerk	may not predate an application for a license.			
9 10	misdemeano	(2) or and on		who violates any provision of this subsection is guilty of a on is subject:			
11			(i)	for a first offense, to a fine not exceeding \$100; and			
12 13		nt not exc	(ii) ceeding 9	for each subsequent offense, to a fine not exceeding \$500 or 0 days or both.			
14	SECTIO	N 2. AN	D BE IT	FURTHER ENACTED, That this Act shall take effect			