

SENATE BILL 533

D4
HB 1099/00 – JUD

7lr1634
CF HB 324

By: **Senators Gladden, Britt, Brochin, Frosh, Garagiola, ~~and Jacobs~~ Jacobs,
and Forehand**

Introduced and read first time: February 2, 2007

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 14, 2007

CHAPTER _____

1 AN ACT concerning

2 **Divorce and Annulment – Removal of ~~Religious~~ Barriers to Remarriage**

3 FOR the purpose of requiring a party who files or does not contest a complaint or
4 countercomplaint for an absolute divorce or annulment to file, under certain
5 circumstances, an affidavit stating that the affiant has taken all steps solely
6 within the affiant's control to remove all ~~religious~~ barriers to remarriage by the
7 other party to the marriage; prohibiting a court, under certain circumstances,
8 from entering a decree for an absolute divorce or annulment until a certain
9 affidavit is filed or if the court determines that the affidavit was filed with the
10 knowledge of the affiant that it was false; defining a certain term; providing for
11 the construction and application of this Act; and generally relating to absolute
12 divorce and annulment and the removal of ~~religious~~ barriers to remarriage.

13 BY adding to
14 Article – Family Law
15 Section 7–104.1
16 Annotated Code of Maryland
17 (2006 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

Article – Family Law

7-104.1.

(A) IN THIS SECTION, “BARRIER TO REMARRIAGE” INCLUDES ANY SECULAR, RELIGIOUS, OR CONSCIENTIOUS RESTRAINT OR INHIBITION THAT IS IMPOSED ON A PARTY TO A MARRIAGE, UNDER THE PRINCIPLES HELD BY THE OFFICIAL OF THE RELIGIOUS BODY WHO PERFORMED THE MARRIAGE CEREMONY, BECAUSE OF THE COMMISSION OR WITHHOLDING OF ANY VOLUNTARY ACT BY THE OTHER PARTY TO THE MARRIAGE.

~~(A)~~ (B) A PARTY WHO FILES OR DOES NOT CONTEST A COMPLAINT OR COUNTERCOMPLAINT FOR AN ABSOLUTE DIVORCE OR ANNULMENT SHALL FILE, ON THE REQUEST OF THE OTHER PARTY, AN AFFIDAVIT STATING, UNDER PENALTY OF PERJURY, THAT THE AFFIANT HAS TAKEN ALL STEPS SOLELY WITHIN THE AFFIANT’S CONTROL TO REMOVE ALL ~~RELIGIOUS~~ BARRIERS TO REMARRIAGE BY THE OTHER PARTY.

~~(B)~~ (C) IF AN AFFIDAVIT IS REQUESTED UNDER THIS SECTION, THE COURT MAY NOT ENTER A DECREE FOR AN ABSOLUTE DIVORCE OR ANNULMENT UNTIL THE AFFIDAVIT IS FILED.

(D) THE COURT MAY NOT ENTER A DECREE FOR AN ABSOLUTE DIVORCE OR ANNULMENT IF THE COURT DETERMINES THAT THE INDIVIDUAL WHO SUBMITTED THE AFFIDAVIT UNDER SUBSECTION (B) OF THIS SECTION DID SO WITH KNOWLEDGE THAT THE AFFIDAVIT WAS FALSE.

~~(C)~~ (E) THIS SECTION MAY NOT BE CONSTRUED TO:

~~(1) REQUIRE A PARTY TO CONSULT WITH AN OFFICIAL OF A RELIGIOUS BODY AUTHORIZED BY LAW TO PERFORM A MARRIAGE CEREMONY TO DETERMINE WHETHER A RELIGIOUS BARRIER TO REMARRIAGE EXISTS;~~

~~(2) AUTHORIZE A COURT TO INQUIRE INTO OR DETERMINE AN ECCLESIASTICAL OR RELIGIOUS ISSUE;~~

~~(3)~~ (1) AUTHORIZE A COURT TO ORDER A PARTY TO REMOVE A
RELIGIOUS BARRIER TO REMARRIAGE;

~~(4)~~ (2) INHIBIT OR RESTRAIN AN INDIVIDUAL FROM
PARTICIPATING IN ECCLESIASTICAL TRIBUNAL PROCEEDINGS FOR A DECREE
OF MATRIMONIAL NULLITY OR MARITAL DISSOLUTION ACCORDING TO THE
DULY ESTABLISHED RELIGIOUS RULES AND CUSTOMS OF THAT RELIGIOUS
BODY; OR

~~(5)~~ (3) INHIBIT OR RESTRAIN A RELIGIOUS BODY FROM
ADHERING TO ITS ECCLESIASTICAL RULES AND CUSTOMS GOVERNING
MARRIAGE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to
cases pending or filed on or after the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
October 1, 2007.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.