

HOUSE BILL 1112

D4

8lr0846

By: **Delegate Dumais**

Introduced and read first time: February 7, 2008

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Civil Unions – Establishment, Rights, and Responsibilities**

3 FOR the purpose of altering the crime of bigamy to include prohibiting a person in a
4 lawful marriage or civil union from entering into a civil union or marriage with
5 another; authorizing certain parties to enter into civil unions in the State;
6 establishing procedures for the licensing of civil unions and performance of civil
7 union ceremonies; applying certain marriage fee provisions to civil unions;
8 establishing the requirements of a pre-civil union preparation course that may
9 be completed by certain parties to qualify the parties for a discounted civil union
10 license fee; establishing that State and local laws that apply to spouses shall
11 apply to parties who have entered into civil unions in accordance with this Act;
12 defining certain terms and expanding certain definitions to include parties to
13 civil unions; applying certain spousal support and domestic relations provisions
14 to civil unions; establishing a nonexclusive list of legal benefits, protections, and
15 responsibilities of spouses that apply in the same manner to the parties to a
16 civil union; prohibiting certain civil unions; establishing that certain civil
17 unions prohibited by this Act are void; establishing certain procedures for the
18 maintenance of civil union records by the clerks of the circuit courts and the
19 Secretary of Health and Mental Hygiene; requiring a clerk to send certain
20 records to the Secretary at certain intervals; prohibiting the alteration,
21 production, distribution, or use of certain documents concerning civil unions
22 under certain circumstances; prohibiting disclosure of a Social Security number
23 as part of the public record of a civil union license application, except under
24 certain circumstances; requiring a certain custodian to deny inspection of the
25 part of certain public records containing a Social Security number except to a
26 person in interest or the Child Support Enforcement Administration;
27 establishing certain criminal penalties for certain violations of certain
28 provisions of this Act; and generally relating to civil unions.

29 BY repealing and reenacting, with amendments,
30 Article – Criminal Law

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 10–502
2 Annotated Code of Maryland
3 (2002 Volume and 2007 Supplement)

4 BY adding to
5 Article – Family Law
6 Section 2.5–101 through 2.5–505 to be under the new title “Title 2.5. Civil
7 Unions”
8 Annotated Code of Maryland
9 (2006 Replacement Volume and 2007 Supplement)

10 BY repealing and reenacting, without amendments,
11 Article – Health – General
12 Section 4–201(a)
13 Annotated Code of Maryland
14 (2005 Replacement Volume and 2007 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Health – General
17 Section 4–201(f), (m), (n), and (o), 4–206, 4–217(a)(1), (c)(1), and (f), and
18 4–226(c), (e), and (f)
19 Annotated Code of Maryland
20 (2005 Replacement Volume and 2007 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – State Government
23 Section 10–617(k)
24 Annotated Code of Maryland
25 (2004 Replacement Volume and 2007 Supplement)

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

28 **Article – Criminal Law**

29 10–502.

30 (a) This section does not apply to a person if:

31 (1) the person’s previous lawful spouse **OR THE OTHER PARTY TO**
32 **THE PERSON’S PREVIOUS CIVIL UNION** has been absent from the person for a
33 continuous period of 7 years; and

34 (2) the person does not know whether the person’s previous lawful
35 spouse **OR THE OTHER PARTY TO THE PERSON’S PREVIOUS CIVIL UNION** is living
36 at the time of the subsequent marriage **OR CIVIL UNION** ceremony.

1 (b) While lawfully married to a living person **OR IN A CIVIL UNION WITH A**
2 **LIVING PERSON**, a person may not enter into a marriage ceremony **OR A CIVIL**
3 **UNION** with another.

4 (c) A person who violates this section is guilty of the felony of bigamy and on
5 conviction is subject to imprisonment not exceeding 9 years.

6 (d) An indictment or warrant for bigamy is sufficient if it substantially
7 states:

8 “(name of defendant) on (date), in (county), having a living spouse/**BEING A**
9 **PARTY TO A CIVIL UNION**, feloniously entered into a marriage ceremony **OR A CIVIL**
10 **UNION** with (name of subsequent spouse **OR OTHER PARTY TO THE SUBSEQUENT**
11 **CIVIL UNION**), in violation of § 10–502 of the Criminal Law Article, against the peace,
12 government, and dignity of the State.”.

13 **Article – Family Law**

14 **TITLE 2.5. CIVIL UNIONS.**

15 **SUBTITLE 1. DEFINITIONS.**

16 **2.5–101.**

17 (A) **IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
18 **INDICATED.**

19 (B) **“AUTHORIZED OFFICIAL” MEANS AN INDIVIDUAL AUTHORIZED BY**
20 **THE LAWS OF THIS STATE TO PERFORM A CIVIL UNION CEREMONY.**

21 (C) **“CLERK” MEANS A CLERK OF THE CIRCUIT COURT FOR A COUNTY.**

22 (D) **“LICENSE” MEANS A LICENSE TO ENTER INTO A CIVIL UNION ISSUED**
23 **IN THIS STATE.**

24 **SUBTITLE 2. GENERAL PROVISIONS.**

25 **2.5–201.**

26 (A) **EACH PARTY TO A CIVIL UNION:**

27 (1) **MAY NOT BE A PARTY TO ANOTHER CIVIL UNION OR**
28 **MARRIAGE; AND**

29 (2) **SHALL:**

1 (I) BE OF THE SAME GENDER; AND

2 (II) BE AT LEAST 18 YEARS OLD.

3 (B) AN INDIVIDUAL WHO VIOLATES SUBSECTION (A)(1) OF THIS
4 SECTION IS GUILTY OF BIGAMY AND ON CONVICTION IS SUBJECT TO THE
5 PENALTY PROVIDED IN § 10-502 OF THE CRIMINAL LAW ARTICLE.

6 **2.5-202.**

7 (A) A CIVIL UNION THAT IS PROHIBITED BY THIS SECTION IS VOID.

8 (B) (1) A MAN MAY NOT ENTER INTO A CIVIL UNION WITH HIS:

9 (I) GRANDFATHER;

10 (II) FATHER;

11 (III) SON;

12 (IV) BROTHER; OR

13 (V) GRANDSON.

14 (2) A WOMAN MAY NOT ENTER INTO A CIVIL UNION WITH HER:

15 (I) GRANDMOTHER;

16 (II) MOTHER;

17 (III) DAUGHTER;

18 (IV) SISTER; OR

19 (V) GRANDDAUGHTER.

20 (3) AN INDIVIDUAL WHO VIOLATES ANY PROVISION OF THIS
21 SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT
22 TO A FINE OF \$1,500.

23 (C) (1) A MAN MAY NOT ENTER INTO A CIVIL UNION WITH HIS:

24 (I) GRANDMOTHER'S HUSBAND;

- 1 (II) FATHER'S BROTHER;
- 2 (III) MOTHER'S BROTHER;
- 3 (IV) STEPFATHER;
- 4 (V) DAUGHTER'S HUSBAND;
- 5 (VI) BROTHER'S SON;
- 6 (VII) SISTER'S SON; OR
- 7 (VIII) GRANDDAUGHTER'S HUSBAND.

8 (2) A WOMAN MAY NOT ENTER INTO A CIVIL UNION WITH HER:

- 9 (I) GRANDFATHER'S WIFE;
- 10 (II) FATHER'S SISTER;
- 11 (III) MOTHER'S SISTER;
- 12 (IV) STEPMOTHER;
- 13 (V) SON'S WIFE;
- 14 (VI) BROTHER'S DAUGHTER;
- 15 (VII) SISTER'S DAUGHTER; OR
- 16 (VIII) GRANDSON'S WIFE.

17 (3) AN INDIVIDUAL WHO VIOLATES ANY PROVISION OF THIS
18 SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT
19 TO A FINE OF \$500.

20 SUBTITLE 3. LICENSING AND PERFORMANCE.

21 **2.5-301.**

22 (A) AN INDIVIDUAL MAY NOT ENTER INTO A CIVIL UNION IN THIS STATE
23 WITHOUT A LICENSE ISSUED BY THE CLERK FOR THE COUNTY IN WHICH THE
24 CIVIL UNION IS PERFORMED.

1 **(B) AN INDIVIDUAL WHO VIOLATES THIS SECTION IS GUILTY OF A**
2 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF \$100.**

3 **2.5-302.**

4 **(A) AN APPLICANT FOR A LICENSE MAY APPLY TO THE CLERK ONLY AT**
5 **THE OFFICE OF THE CLERK DURING REGULAR OFFICE HOURS.**

6 **(B) EXCEPT AS PROVIDED IN SUBSECTIONS (D) AND (E) OF THIS**
7 **SECTION, TO APPLY FOR A LICENSE, ONE OF THE PARTIES SHALL:**

8 **(1) APPEAR BEFORE THE CLERK AND GIVE, UNDER OATH, THE**
9 **FOLLOWING INFORMATION THAT SHALL BE PLACED ON AN APPLICATION FORM**
10 **BY THE CLERK:**

11 **(I) THE FULL NAME OF EACH PARTY;**

12 **(II) THE PLACE OF RESIDENCE OF EACH PARTY;**

13 **(III) THE AGE OF EACH PARTY;**

14 **(IV) WHETHER THE PARTIES ARE RELATED BY BLOOD OR**
15 **MARRIAGE AND, IF SO, IN WHICH DEGREE OF RELATIONSHIP;**

16 **(V) WHETHER EACH PARTY IS SINGLE, WIDOWED, OR**
17 **DIVORCED; AND**

18 **(VI) WHETHER EITHER PARTY WAS MARRIED OR WAS A**
19 **PARTY TO A CIVIL UNION PREVIOUSLY, AND THE DATE AND PLACE OF EACH**
20 **DEATH OR JUDICIAL DETERMINATION THAT ENDED ANY FORMER MARRIAGE OR**
21 **CIVIL UNION;**

22 **(2) SIGN THE APPLICATION FORM; AND**

23 **(3) PROVIDE THE CLERK WITH THE SOCIAL SECURITY NUMBER**
24 **OF EACH PARTY WHO HAS A SOCIAL SECURITY NUMBER.**

25 **(C) THE SOCIAL SECURITY NUMBERS OF THE PARTIES:**

26 **(1) SHALL BE INCLUDED IN THE ELECTRONIC FILE FOR THE CIVIL**
27 **UNION LICENSE APPLICATION; AND**

1 (2) EXCEPT AS PROVIDED IN § 10-617 OF THE STATE
2 GOVERNMENT ARTICLE, MAY NOT BE DISCLOSED AS PART OF THE PUBLIC
3 RECORD OF THE CIVIL UNION LICENSE APPLICATION.

4 (D) (1) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION,
5 IF THE PARTIES ARE NOT RESIDENTS OF THE COUNTY WHERE THE CIVIL UNION
6 CEREMONY IS TO BE PERFORMED, THE CLERK SHALL ACCEPT, INSTEAD OF THE
7 APPLICATION SPECIFIED IN SUBSECTION (B) OF THIS SECTION, AN AFFIDAVIT
8 FROM ONE OF THE PARTIES.

9 (2) THE AFFIDAVIT SHALL:

10 (I) CONTAIN THE INFORMATION REQUIRED BY SUBSECTION
11 (B) OF THIS SECTION; AND

12 (II) BE SWORN TO UNDER OATH BEFORE A CLERK OR OTHER
13 COMPARABLE OFFICIAL IN THE COUNTY, STATE, PROVINCE, OR COUNTRY
14 WHERE THE PARTY RESIDES.

15 (E) IN CECIL COUNTY BOTH PARTIES SHALL APPEAR TOGETHER
16 BEFORE THE CLERK TO APPLY FOR A LICENSE.

17 (F) UNTIL A LICENSE BECOMES EFFECTIVE, A CLERK MAY NOT
18 DISCLOSE THE FACT THAT AN APPLICATION FOR A LICENSE HAS BEEN MADE.

19 **2.5-303.**

20 (A) (1) A LICENSE SHALL READ SUBSTANTIALLY AS FOLLOWS:

21 "STATE OF MARYLAND AND COUNTY OF TO ANY INDIVIDUAL
22 AUTHORIZED BY THE LAWS OF THIS STATE TO PERFORM A CIVIL UNION
23 CEREMONY. YOU ARE HEREBY AUTHORIZED TO JOIN TOGETHER IN A CIVIL
24 UNION ACCORDING TO THE RULES AND CEREMONIES OF YOUR CHURCH,
25 SOCIETY, OR RELIGIOUS SECT AND THE LAWS OF THIS STATE, OR ACCORDING
26 TO THE LAWS OF THIS STATE, THE FOLLOWING INDIVIDUALS:

27
28 (STATE HERE NAME OF PARTY)

29
30 (STATE HERE NAME OF OTHER PARTY)

31 GIVEN UNDER MY HAND AND SEAL OF THE CIRCUIT COURT FOR, THIS
32 DAY OF (STATE HERE MONTH AND YEAR)".

1 **(2) A LICENSE SHALL CONTAIN:**

2 **(I) APPROPRIATE SPACES IN WHICH THE CLERK SHALL**
3 **ENTER:**

4 **1. THE RELATIONSHIP OF THE PARTIES TO THE**
5 **CIVIL UNION, IF ANY;**

6 **2. AS TO EACH PARTY, THE NAME, AGE, STATE OR**
7 **FOREIGN COUNTRY IN WHICH BORN, AND RESIDENCE; AND**

8 **3. THE STATUS OF EACH PARTY AS SINGLE,**
9 **WIDOWED, OR DIVORCED; AND**

10 **(II) A STATEMENT THAT THE LICENSE IS VALID ONLY:**

11 **1. FOR 6 MONTHS FROM THE EFFECTIVE DATE AND**
12 **TIME STATED ON THE LICENSE; AND**

13 **2. IN THE COUNTY IN WHICH IT IS ISSUED.**

14 **(B) (1) ATTACHED TO A LICENSE SHALL BE TWO CERTIFICATE FORMS**
15 **THAT:**

16 **(I) READ, "I HEREBY CERTIFY THAT ON THIS DAY**
17 **OF (STATE HERE MONTH AND YEAR), (STATE HERE TIME), AT**
18 **..... (STATE HERE LOCATION), IN ACCORDANCE WITH THE LICENSE ISSUED**
19 **BY THE CLERK OF THE CIRCUIT COURT FOR (STATE HERE**
20 **JURISDICTION), I UNITED IN A CIVIL UNION THE FOLLOWING INDIVIDUALS:**

21
22

(STATE HERE NAME OF PARTY)

23";
24

(STATE HERE NAME OF OTHER PARTY)

25 **(II) RESTATE ALL INFORMATION CONCERNING THE PARTIES**
26 **THAT IS STATED ON THE CIVIL UNION LICENSE; AND**

27 **(III) PROVIDE A SPACE FOR THE SIGNATURE OF THE**
28 **AUTHORIZED OFFICIAL WHO PERFORMS THE CIVIL UNION CEREMONY.**

1 (IV) CHILDREN AND PARENTING RESPONSIBILITIES; AND

2 (2) CONSIST OF AT LEAST 4 HOURS OF INSTRUCTION.

3 (C) A PRE-CIVIL UNION PREPARATION COURSE MAY BE CONDUCTED
4 BY:

5 (1) A CLINICAL PROFESSIONAL COUNSELOR OR A CLINICAL
6 MARRIAGE AND FAMILY THERAPIST LICENSED UNDER TITLE 17 OF THE
7 HEALTH OCCUPATIONS ARTICLE;

8 (2) A PSYCHOLOGIST LICENSED UNDER TITLE 18 OF THE HEALTH
9 OCCUPATIONS ARTICLE;

10 (3) A SOCIAL WORKER LICENSED UNDER TITLE 19 OF THE
11 HEALTH OCCUPATIONS ARTICLE;

12 (4) AN OFFICIAL REPRESENTATIVE OF A RELIGIOUS INSTITUTION
13 IF THE REPRESENTATIVE HAS RELEVANT TRAINING; OR

14 (5) ANY OTHER QUALIFIED PROVIDER APPROVED BY A COUNTY
15 GOVERNING BODY.

16 (D) (1) A PROVIDER FOR A PRE-CIVIL UNION PREPARATION COURSE
17 SHALL REGISTER WITH THE CLERK BY FILING A WRITTEN AFFIDAVIT
18 CONTAINING:

19 (I) THE PROVIDER'S NAME, ADDRESS, AND TELEPHONE
20 NUMBER;

21 (II) A SUMMARY OF THE PROVIDER'S QUALIFICATIONS AND
22 TRAINING; AND

23 (III) A STATEMENT THAT THE PROVIDER SHALL COMPLY
24 WITH THE COURSE REQUIREMENTS SPECIFIED IN THIS SECTION.

25 (2) THE CLERK MAY ESTABLISH A ROSTER OF AREA PRE-CIVIL
26 UNION PREPARATION COURSE PROVIDERS, INCLUDING THOSE WHO OFFER THE
27 COURSE ON A SLIDING FEE SCALE OR FOR FREE.

28 (E) (1) A PRE-CIVIL UNION PREPARATION COURSE PROVIDER SHALL
29 PROVIDE TO THE PARTIES WHO COMPLETE THE COURSE A CERTIFICATE OF
30 COMPLETION THAT SPECIFIES:

- 1 (I) THE NAMES OF THE PARTIES;
- 2 (II) THE NAME OF THE PROVIDER; AND
- 3 (III) THE DATE OF COMPLETION OF THE COURSE.

4 (2) TO RECEIVE A DISCOUNTED CIVIL UNION LICENSE FEE UNDER
5 THIS SECTION, AN APPLICANT FOR A LICENSE SHALL VERIFY COMPLETION OF A
6 PRE-CIVIL UNION PREPARATION COURSE BY FILING WITH THE CLERK A VALID
7 CERTIFICATE OF COURSE COMPLETION ISSUED IN ACCORDANCE WITH
8 PARAGRAPH (1) OF THIS SUBSECTION.

9 (F) ANY COST FOR A PRE-CIVIL UNION PREPARATION COURSE SHALL
10 BE PAID BY THE APPLICANT FOR A CIVIL UNION LICENSE.

11 (G) THE DISCOUNT AUTHORIZED BY THIS SECTION MAY NOT BE
12 APPLIED TO ANY FEE USED TO FUND DOMESTIC VIOLENCE PROGRAMS.

13 **2.5-306.**

14 (A) THE CLERK FOR THE COUNTY IN WHICH A CIVIL UNION CEREMONY
15 IS TO BE PERFORMED MAY ISSUE AND DELIVER A LICENSE AT THE TIME THE
16 APPLICATION IS MADE.

17 (B) A LICENSE MAY BE ISSUED ONLY AT THE OFFICE OF THE CLERK
18 DURING REGULAR OFFICE HOURS.

19 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
20 SUBSECTION, A LICENSE IS NOT EFFECTIVE UNTIL 6 A.M. ON THE SECOND
21 CALENDAR DAY AFTER THE LICENSE IS ISSUED.

22 (2) FOR GOOD CAUSE SHOWN, A JUDGE OF THE CIRCUIT COURT
23 FOR THE COUNTY IN WHICH THE APPLICATION IS MADE MAY SIGN AN
24 AUTHORIZATION FOR A LICENSE TO BECOME EFFECTIVE AT A TIME BEFORE THE
25 WAITING PERIOD EXPIRES, AS STATED IN THE AUTHORIZATION, IF ONE OF THE
26 PARTIES IS A RESIDENT OF THIS STATE.

27 (D) IF, DURING THE QUESTIONING OF AN APPLICANT FOR A LICENSE,
28 THE CLERK FINDS THAT THERE IS A LEGAL REASON WHY THE APPLICANTS MAY
29 NOT ENTER INTO A CIVIL UNION, THE CLERK SHALL WITHHOLD THE LICENSE
30 UNLESS ORDERED BY THE COURT TO ISSUE THE LICENSE.

31 (E) A LICENSE MAY BE DELIVERED PERSONALLY OR BY MAIL TO:

1 (1) **EITHER OF THE PARTIES; OR**

2 (2) **ANY PERSON AUTHORIZED IN WRITING BY EITHER OF THE**
3 **PARTIES TO ACCEPT DELIVERY.**

4 (F) (1) **A CLERK MAY NOT PREDATE AN APPLICATION FOR A LICENSE.**

5 (2) **A CLERK WHO VIOLATES ANY PROVISION OF THIS**
6 **SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT:**

7 (I) **FOR A FIRST OFFENSE, TO A FINE NOT EXCEEDING \$100;**
8 **AND**

9 (II) **FOR EACH SUBSEQUENT OFFENSE, TO A FINE NOT**
10 **EXCEEDING \$500 OR IMPRISONMENT NOT EXCEEDING 90 DAYS OR BOTH.**

11 **2.5-307.**

12 (A) (1) **IN THIS SUBSECTION, “JUDGE” MEANS:**

13 (I) **A JUDGE OF THE DISTRICT COURT, A CIRCUIT COURT,**
14 **THE COURT OF SPECIAL APPEALS, OR THE COURT OF APPEALS;**

15 (II) **A JUDGE APPROVED UNDER ARTICLE IV, § 3A OF THE**
16 **MARYLAND CONSTITUTION AND § 1-302 OF THE COURTS ARTICLE FOR RECALL**
17 **AND ASSIGNMENT TO THE DISTRICT COURT, A CIRCUIT COURT, THE COURT OF**
18 **SPECIAL APPEALS, OR THE COURT OF APPEALS;**

19 (III) **A JUDGE OF A UNITED STATES DISTRICT COURT OR A**
20 **UNITED STATES COURT OF APPEALS; OR**

21 (IV) **A JUDGE OF A STATE COURT IF THE JUDGE IS ACTIVE OR**
22 **RETIRED BUT ELIGIBLE FOR RECALL.**

23 (2) **A CIVIL UNION CEREMONY MAY BE PERFORMED IN THIS**
24 **STATE BY:**

25 (I) **ANY OFFICIAL OF A RELIGIOUS ORDER OR BODY**
26 **AUTHORIZED BY THE RULES AND CUSTOMS OF THAT ORDER OR BODY TO**
27 **PERFORM A CIVIL UNION CEREMONY;**

28 (II) **ANY CLERK;**

1 (III) ANY DEPUTY CLERK DESIGNATED BY THE COUNTY
2 ADMINISTRATIVE JUDGE OF THE CIRCUIT COURT FOR THE COUNTY; OR

3 (IV) A JUDGE.

4 (B) WITHIN 6 MONTHS AFTER A LICENSE BECOMES EFFECTIVE, ANY
5 AUTHORIZED OFFICIAL MAY PERFORM THE CIVIL UNION CEREMONY OF THE
6 INDIVIDUALS NAMED IN THE LICENSE.

7 (C) (1) AN INDIVIDUAL MAY NOT PERFORM A CIVIL UNION
8 CEREMONY UNLESS THE INDIVIDUAL IS AUTHORIZED TO PERFORM A CIVIL
9 UNION CEREMONY UNDER SUBSECTION (A) OF THIS SECTION.

10 (2) AN INDIVIDUAL WHO VIOLATES THIS SUBSECTION IS GUILTY
11 OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF \$500.

12 (D) (1) AN INDIVIDUAL MAY NOT KNOWINGLY PERFORM A CIVIL
13 UNION CEREMONY BETWEEN INDIVIDUALS WHO ARE PROHIBITED FROM
14 ENTERING INTO A CIVIL UNION UNDER § 2.5-202 OF THIS TITLE.

15 (2) AN INDIVIDUAL WHO VIOLATES THE PROVISIONS OF THIS
16 SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT
17 TO A FINE OF \$500.

18 (E) (1) AN INDIVIDUAL MAY NOT PERFORM A CIVIL UNION
19 CEREMONY WITHOUT A LICENSE THAT IS EFFECTIVE UNDER THIS SUBTITLE.

20 (2) AN INDIVIDUAL WHO VIOLATES THE PROVISIONS OF THIS
21 SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT
22 TO A FINE NOT EXCEEDING \$500.

23 (F) THE COUNTY ADMINISTRATIVE JUDGE OF THE CIRCUIT COURT FOR
24 THE COUNTY SHALL DESIGNATE:

25 (1) WHEN AND WHERE THE CLERK OR DEPUTY CLERK MAY
26 PERFORM A CIVIL UNION CEREMONY; AND

27 (2) THE FORM OF THE CIVIL UNION CEREMONY TO BE RECITED BY
28 THE CLERK OR DEPUTY CLERK AND THE PARTIES.

29 (G) THIS SECTION DOES NOT AFFECT THE RIGHT OF ANY RELIGIOUS
30 DENOMINATION TO PERFORM A CIVIL UNION CEREMONY IN ACCORDANCE WITH
31 THE RULES AND CUSTOMS OF THE DENOMINATION.

1 **2.5-308.**

2 (A) AN INDIVIDUAL MAY NOT KNOWINGLY MAKE ANY MATERIAL FALSE
3 STATEMENT TO OBTAIN OR TO HELP ANOTHER INDIVIDUAL TO OBTAIN A CIVIL
4 UNION LICENSE OR CIVIL UNION CEREMONY IN VIOLATION OF THIS TITLE OR OF
5 ANY ORDER OF COURT UNDER § 2.5-306 OF THIS SUBTITLE.

6 (B) AN INDIVIDUAL WHO VIOLATES THE PROVISIONS OF THIS SECTION
7 IS GUILTY OF PERJURY.

8 **2.5-309.**

9 (A) AN AUTHORIZED OFFICIAL MAY NOT GIVE OR OFFER TO GIVE ANY
10 REWARD TO ANY PERSON AS AN INDUCEMENT TO DIRECT TO THE AUTHORIZED
11 OFFICIAL ANY INDIVIDUAL WHO IS CONTEMPLATING ENTERING INTO A CIVIL
12 UNION.

13 (B) AN AUTHORIZED OFFICIAL WHO VIOLATES THE PROVISIONS OF
14 SUBSECTION (A) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON
15 CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50 FOR EACH OFFENSE.

16 **2.5-310.**

17 (A) EACH CIVIL UNION CERTIFICATE SHALL CONTAIN:

18 (1) THE NAME, SIGNATURE, AND TITLE OF THE AUTHORIZED
19 OFFICIAL WHO PERFORMS THE CIVIL UNION CEREMONY; OR

20 (2) IF THE INDIVIDUALS ENTER INTO A CIVIL UNION IN A SOCIETY
21 OF FRIENDS CEREMONY, THE SIGNATURES OF THE INDIVIDUALS AND THE
22 ATTESTATION OF THE CERTIFICATE BY THE TWO OVERSEERS OF THE
23 CEREMONY.

24 (B) (1) THE AUTHORIZED OFFICIAL WHO PERFORMS THE CIVIL
25 UNION CEREMONY SHALL:

26 (I) HAND ONE CIVIL UNION CERTIFICATE TO THE
27 INDIVIDUALS; AND

28 (II) RETURN, WITHIN 5 DAYS FROM THE DATE OF THE CIVIL
29 UNION CEREMONY, THE OTHER CIVIL UNION CERTIFICATE TO THE CLERK WHO
30 ISSUED THE LICENSE TO WHICH THE CERTIFICATES WERE ATTACHED, BUT IF
31 THE AUTHORIZED OFFICIAL WHO PERFORMS THE CIVIL UNION CEREMONY DIES
32 OR RESIGNS, SOME OTHER INDIVIDUAL SHALL RETURN THE CERTIFICATE.

1 **(2) IF THE INDIVIDUALS ENTER INTO A CIVIL UNION IN A SOCIETY**
2 **OF FRIENDS CIVIL UNION CEREMONY, THE INDIVIDUALS:**

3 **(I) MAY KEEP ONE CIVIL UNION CERTIFICATE; AND**

4 **(II) WITHIN 5 DAYS FROM THE DATE OF THE CIVIL UNION**
5 **CEREMONY, SHALL RETURN THE OTHER CIVIL UNION CERTIFICATE TO THE**
6 **CLERK WHO ISSUED THE LICENSE TO WHICH THE CERTIFICATES WERE**
7 **ATTACHED.**

8 **(C) IF THE CIVIL UNION CERTIFICATE IS NOT RETURNED WITHIN 6**
9 **MONTHS AFTER THE DATE ON WHICH THE LICENSE IS ISSUED, THE CLERK WHO**
10 **ISSUED THE LICENSE SHALL ATTEMPT TO DETERMINE WHETHER THE CIVIL**
11 **UNION CEREMONY WAS PERFORMED AND, IF SO, THE NAME OF THE**
12 **AUTHORIZED OFFICIAL WHO PERFORMED THE CIVIL UNION CEREMONY.**

13 **(D) (1) AN INDIVIDUAL WHO PERFORMS A CIVIL UNION CEREMONY**
14 **OR WHO ENTERS INTO A CIVIL UNION IN A SOCIETY OF FRIENDS CIVIL UNION**
15 **CEREMONY MAY NOT VIOLATE THE PROVISIONS OF SUBSECTION (B)(1)(II) OR**
16 **(2)(II) OF THIS SECTION.**

17 **(2) AN INDIVIDUAL WHO VIOLATES ANY PROVISION OF THIS**
18 **SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT**
19 **TO A FINE IN AN AMOUNT THAT THE COURT CONSIDERS APPROPRIATE.**

20 **2.5-311.**

21 **THE PROVISIONS OF § 2-410 OF THIS ARTICLE REGARDING THE RECEIPT**
22 **AND DISPOSITION OF A CLERK'S OR DEPUTY CLERK'S FEE FOR PERFORMING A**
23 **MARRIAGE CEREMONY SHALL APPLY TO THE PERFORMANCE BY A CLERK OR**
24 **DEPUTY CLERK OF A CIVIL UNION CEREMONY UNDER THIS SUBTITLE.**

25 **SUBTITLE 4. RECORDS.**

26 **2.5-401.**

27 **EACH CLERK SHALL KEEP IN THE CLERK'S OFFICE A CIVIL UNION**
28 **LICENSE BOOK, THAT SHALL CONTAIN:**

29 **(1) A COMPLETE RECORD OF EACH LICENSE ISSUED;**

1 (2) A COMPLETE RECORD OF ALL MATTERS THE CLERK IS
2 REQUIRED TO ASCERTAIN THAT RELATE TO THE RIGHTS OF AN INDIVIDUAL TO
3 OBTAIN A LICENSE;

4 (3) IN REGULAR ORDER, THE ITEMS TESTIFIED TO BY THE
5 APPLICANTS FOR A LICENSE AS REQUIRED UNDER THIS TITLE;

6 (4) PROPERLY INDEXED, THE NAME OF EACH INDIVIDUAL WHO
7 INTENDS TO ENTER INTO A CIVIL UNION; AND

8 (5) THE DATE EACH CERTIFICATE WAS FILED AND THE NAME OF
9 THE AUTHORIZED OFFICIAL WHO PERFORMED THE CEREMONY.

10 **2.5-402.**

11 (A) IN THIS SECTION, "FOREIGN CIVIL UNION" MEANS A CIVIL UNION
12 CEREMONY:

13 (1) PERFORMED OUTSIDE THIS STATE; AND

14 (2) IN WHICH ONE OR BOTH OF THE PARTIES WERE OR ARE
15 CITIZENS OF THIS STATE.

16 (B) (1) EACH CLERK SHALL KEEP A FOREIGN CIVIL UNION RECORD
17 BOOK IN THE CLERK'S OFFICE.

18 (2) THE CLERK SHALL RECORD A FOREIGN CIVIL UNION WHEN
19 PRESENTED WITH EITHER:

20 (I) A CIVIL UNION CERTIFICATE SIGNED BY THE
21 INDIVIDUAL WHO PERFORMED THE CIVIL UNION CEREMONY; OR

22 (II) AN OFFICIAL CERTIFIED COPY OF A CIVIL UNION
23 RECORD.

24 (C) ON REQUEST, THE CLERK SHALL PROVIDE, UNDER THE SEAL OF
25 THE COURT, CERTIFICATION OF A FOREIGN CIVIL UNION IN THE SAME MANNER
26 AS THE CLERK ISSUES CERTIFICATION OF A CIVIL UNION CEREMONY
27 PERFORMED IN THIS STATE.

28 **2.5-403.**

29 (A) AT THE INTERVALS THAT THE SECRETARY OF HEALTH AND
30 MENTAL HYGIENE SETS, EACH CLERK SHALL SEND TO THE SECRETARY:

1 **(1) A COPY OF THE RECORD OF EACH CIVIL UNION THAT THE**
2 **CLERK LICENSES AND RECORDS;**

3 **(2) A REPORT OF EACH DIVORCE OF A CIVIL UNION THAT THE**
4 **COURT GRANTS;**

5 **(3) A REPORT OF EACH ANNULMENT OF A CIVIL UNION THAT THE**
6 **COURT:**

7 **(I) GRANTS; OR**

8 **(II) EFFECTS BY ENTERING A CONVICTION OF BIGAMY OR OF**
9 **ENTERING INTO A CIVIL UNION WITHIN ANY PROHIBITED DEGREE; AND**

10 **(4) A REPORT OF ANY CHANGE IN A CIVIL UNION, DIVORCE, OR**
11 **ANNULMENT RECORD, IN WHICH THE CLERK SHALL CERTIFY THAT THE CHANGE**
12 **IS CORRECT AND CONFORMS TO THE CORRESPONDING RECORD OF THE CLERK.**

13 **(B) THE REPORT OF A DIVORCE OR ANNULMENT OR OF A CHANGE IN A**
14 **CIVIL UNION, DIVORCE, OR ANNULMENT RECORD SHALL BE MADE ON THE FORM**
15 **THAT THE SECRETARY PROVIDES.**

16 **(C) (1) THE SECRETARY MAY MAKE PHOTOSTATIC, PHOTOGRAPHIC,**
17 **OR MICROPHOTOGRAPHIC COPIES OF THE ORIGINAL CIVIL UNION RECORDS OF**
18 **A CLERK.**

19 **(2) THE SECRETARY MAY NOT REMOVE ANY ORIGINAL CIVIL**
20 **UNION RECORD FROM THE CUSTODY OF THE CLERK.**

21 **(3) THE SECRETARY SHALL:**

22 **(I) MAKE THE COPIES IN A MANNER THAT DOES NOT**
23 **INTERFERE WITH THE ORDERLY TRANSACTION OF BUSINESS BY THE CLERK;**
24 **AND**

25 **(II) BEAR THE COST OF MAKING THE COPIES.**

26 **(D) THE CLERK MAY NOT RECEIVE ANY EXTRA COMPENSATION FOR**
27 **SENDING A REPORT OR RECORD TO THE SECRETARY OR FOR MAKING RECORDS**
28 **AVAILABLE TO THE SECRETARY.**

1 **(E) A CLERK WHO VIOLATES ANY PROVISION OF THIS SECTION IS**
2 **GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF \$10**
3 **FOR EACH OFFENSE.**

4 **SUBTITLE 5. BENEFITS, PROTECTIONS, AND RESPONSIBILITIES OF PARTIES TO**
5 **A CIVIL UNION.**

6 **2.5-501.**

7 **EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, STATE AND LOCAL**
8 **LAWS THAT APPLY TO SPOUSES SHALL APPLY TO PARTIES WHO HAVE ENTERED**
9 **INTO A CIVIL UNION IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE.**

10 **2.5-502.**

11 **A PARTY TO A CIVIL UNION SHALL BE INCLUDED IN ANY DEFINITION OR**
12 **USE OF THE TERMS “SPOUSE”, “HUSBAND”, “WIFE”, “FAMILY”, “IMMEDIATE**
13 **FAMILY”, “DEPENDENT”, “NEXT OF KIN”, AND OTHER TERMS THAT DENOTE THE**
14 **SPOUSAL RELATIONSHIP AS THESE TERMS ARE USED THROUGHOUT THE LAW.**

15 **2.5-503.**

16 **PARTIES TO A CIVIL UNION SHALL BE RESPONSIBLE FOR THE SUPPORT OF**
17 **EACH OTHER TO THE SAME DEGREE AND IN THE SAME MANNER AS PRESCRIBED**
18 **UNDER LAW FOR MARRIED INDIVIDUALS.**

19 **2.5-504.**

20 **(A) PARTIES TO A CIVIL UNION SHALL BE SUBJECT TO THE LAW OF**
21 **DOMESTIC RELATIONS, INCLUDING ANNULMENT, SEPARATION AND DIVORCE,**
22 **CHILD CUSTODY, VISITATION, AND SUPPORT, ALIMONY, AND PROPERTY**
23 **DISPOSITION TO THE SAME DEGREE AND IN THE SAME MANNER AS PRESCRIBED**
24 **UNDER THE LAW FOR MARRIED INDIVIDUALS.**

25 **(B) THE RIGHTS OF PARTIES TO A CIVIL UNION, WITH RESPECT TO A**
26 **CHILD OF WHOM EITHER BECOMES THE NATURAL PARENT DURING THE TERM**
27 **OF THE CIVIL UNION, SHALL BE THE SAME AS THOSE OF A MARRIED COUPLE.**

28 **(C) PARTIES TO A CIVIL UNION MAY MODIFY THE TERMS AND**
29 **CONDITIONS OF THEIR CIVIL UNION IN THE SAME MANNER AND TO THE SAME**
30 **EXTENT AS MARRIED INDIVIDUALS WHO EXECUTE A PRENUPTIAL AGREEMENT**
31 **OR OTHER AGREEMENT RECOGNIZED AND ENFORCEABLE UNDER THE LAW.**

32 **2.5-505.**

1 **THE FOLLOWING IS A NONEXCLUSIVE LIST OF LEGAL BENEFITS,**
2 **PROTECTIONS, AND RESPONSIBILITIES OF SPOUSES THAT SHALL APPLY IN THE**
3 **SAME MANNER TO PARTIES TO A CIVIL UNION:**

4 **(1) LAWS RELATING TO TITLE, TENURE, DESCENT AND**
5 **DISTRIBUTION, INTESTATE SUCCESSION, WAIVER OF WILL, SURVIVORSHIP, OR**
6 **OTHER INCIDENTS OF THE ACQUISITION, OWNERSHIP, OR TRANSFER, INTER**
7 **VIVOS OR AT DEATH, OF REAL OR PERSONAL PROPERTY, INCLUDING**
8 **ELIGIBILITY TO HOLD REAL OR PERSONAL PROPERTY AS TENANTS BY THE**
9 **ENTIRETY AS PROVIDED IN THE ESTATES AND TRUSTS ARTICLE AND THE REAL**
10 **PROPERTY ARTICLE;**

11 **(2) CAUSES OF ACTION RELATED TO OR DEPENDENT ON SPOUSAL**
12 **STATUS, INCLUDING AN ACTION FOR WRONGFUL DEATH, EMOTIONAL DISTRESS,**
13 **LOSS OF CONSORTIUM, OR OTHER TORTS OR ACTIONS UNDER CONTRACT**
14 **RELATED TO OR DEPENDENT ON SPOUSAL STATUS;**

15 **(3) PROBATE LAW AND PROCEDURE, AS PROVIDED IN THE**
16 **ESTATES AND TRUSTS ARTICLE;**

17 **(4) ADOPTION LAW AND PROCEDURE AS PROVIDED IN TITLE 5 OF**
18 **THIS ARTICLE;**

19 **(5) GROUP INSURANCE FOR STATE EMPLOYEES AS PROVIDED IN**
20 **TITLE 2, SUBTITLE 5 OF THE STATE PERSONNEL AND PENSIONS ARTICLE AND**
21 **CONTINUING CARE CONTRACTS AS PROVIDED IN TITLE 10, SUBTITLE 4 OF THE**
22 **HUMAN SERVICES ARTICLE;**

23 **(6) DOMESTIC VIOLENCE PROTECTIONS AND PROGRAMS AS**
24 **PROVIDED IN TITLE 4, SUBTITLE 5 OF THIS ARTICLE;**

25 **(7) PROHIBITIONS AGAINST DISCRIMINATION BASED ON MARITAL**
26 **STATUS AS PROVIDED IN ARTICLE 49B OF THE CODE;**

27 **(8) VICTIM'S COMPENSATION RIGHTS AS PROVIDED IN TITLE 11**
28 **OF THE CRIMINAL PROCEDURE ARTICLE;**

29 **(9) WORKERS' COMPENSATION BENEFITS AS PROVIDED IN TITLE**
30 **9 OF THE LABOR AND EMPLOYMENT ARTICLE;**

31 **(10) LAWS RELATING TO EMERGENCY AND NONEMERGENCY**
32 **MEDICAL CARE AND TREATMENT AND HOSPITAL VISITATION AND**

1 NOTIFICATION, INCLUDING THE PATIENT'S BILL OF RIGHTS AS PROVIDED IN
2 TITLE 19, SUBTITLE 3, PART VI OF THE HEALTH – GENERAL ARTICLE;

3 (11) ADVANCE DIRECTIVES AS PROVIDED IN TITLE 5, SUBTITLE 6
4 OF THE HEALTH – GENERAL ARTICLE;

5 (12) PUBLIC ASSISTANCE BENEFITS AS PROVIDED IN TITLE 5 OF
6 THE HUMAN SERVICES ARTICLE;

7 (13) LAWS RELATING TO TAXES IMPOSED BY THE STATE OR A
8 COUNTY OTHER THAN ESTATE TAXES;

9 (14) LAWS RELATING TO IMMUNITY FROM COMPELLED TESTIMONY
10 AND SPOUSAL TESTIMONIAL IMMUNITY AS PROVIDED IN TITLE 9 OF THE
11 COURTS ARTICLE;

12 (15) THE SPOUSAL HOMESTEAD PROTECTION RIGHTS AS
13 PROVIDED IN THE MARYLAND MEDICAL ASSISTANCE PROGRAM UNDER TITLE
14 15, SUBTITLE 1 OF THE HEALTH – GENERAL ARTICLE AND HOMESTEAD
15 PROPERTY TAX CREDIT AND OTHER PROPERTY TAX EXEMPTIONS AND RELIEF
16 GRANTED TO SPOUSES AS PROVIDED IN THE TAX – PROPERTY ARTICLE;

17 (16) THE FARMER DISASTER LOAN PROGRAM AS PROVIDED IN
18 TITLE 2, SUBTITLE 6 OF THE AGRICULTURE ARTICLE;

19 (17) LAWS RELATING TO THE MAKING AND REVOKING OF
20 ANATOMICAL GIFTS BY OTHERS AND THE RIGHTS OF NEXT OF KIN AS PROVIDED
21 IN TITLE 4, SUBTITLE 5 OF THE ESTATES AND TRUSTS ARTICLE;

22 (18) LEGAL REQUIREMENTS FOR THE ASSIGNMENT OF WAGES AS
23 PROVIDED IN TITLE 15, SUBTITLE 3 OF THE COMMERCIAL LAW ARTICLE; AND

24 (19) LANDOWNER RIGHTS TO HUNT ON FARMLAND AS PROVIDED IN
25 § 10-301 OF THE NATURAL RESOURCES ARTICLE.

26 **Article – Health – General**

27 4-201.

28 (a) In this subtitle the following words have the meanings indicated.

29 (f) “File” means to present for registration any certificate, report, or other
30 record including records transmitted by approved electronic media, including
31 facsimile, of birth, death, fetal death, adoption, marriage, CIVIL UNION, or divorce for
32 which this subtitle provides and to have the Secretary accept the record.

1 (m) "Registration" means acceptance by the Secretary and incorporation in
2 the records of the Department of any certificate, report, or other record of birth, death,
3 fetal death, adoption, marriage, **CIVIL UNION**, divorce, or dissolution or annulment of
4 marriage **OR CIVIL UNION** for which this subtitle provides.

5 (n) "Vital record" means a certificate or report of birth, death, fetal death,
6 marriage, **CIVIL UNION**, divorce, dissolution or annulment of marriage, **CIVIL UNION**,
7 adoption, or adjudication of paternity that is required by law to be filed with the
8 Secretary.

9 (o) "Vital statistics" means the data derived from certificates and reports of
10 birth, death, fetal death, marriage, **CIVIL UNION**, divorce, dissolution or annulment of
11 marriage **OR CIVIL UNION**, and reports related to any of these certificates and
12 reports.

13 4-206.

14 (a) The Secretary shall collect, index, and safeguard the marriage, **CIVIL**
15 **UNION**, divorce, and annulment records that clerks of court file as provided by law.

16 (b) (1) The Secretary may change a marriage, **CIVIL UNION**, divorce, or
17 annulment record in the file of the Department only if a clerk of court sends, as
18 provided by law, a certified report of the change.

19 (2) If a discrepancy exists between the record of a clerk of court and
20 the record of the Secretary as to a marriage, **CIVIL UNION**, divorce, or annulment, the
21 record of the clerk of court shall be considered correct.

22 (c) (1) A clerk of court may provide a certified copy of a record of any
23 marriage, **CIVIL UNION**, divorce, or annulment in accordance with usual custom and
24 as provided by law.

25 (2) The Secretary may not provide a certified copy of any record of
26 divorce or annulment.

27 4-217.

28 (a) (1) Except as provided in subsection (b) of this section, the Secretary
29 shall provide, on request, any person authorized by regulations adopted under this
30 subtitle with a certified or abridged copy of a birth, death, or fetal death certificate
31 registered under this subtitle or of the certificate of a marriage performed after
32 June 1, 1951, **OR CERTIFICATE OF A CIVIL UNION PERFORMED ON OR AFTER**
33 **OCTOBER 1, 2008.**

34 (c) (1) Except as otherwise provided by law, the Department shall collect
35 a \$12 fee:

1 (i) For each certified or abridged copy of a birth, death, fetal
2 death, marriage, **CIVIL UNION**, or divorce verification certificate;

3 (ii) For a report that a search of the files was made and the
4 requested record is not on file;

5 (iii) For each change to a certificate made later than one year
6 after the certificate has been registered with the Department; or

7 (iv) To process an adoption, foreign adoption, or legitimation.

8 (f) A person may use a photocopy of a birth, death, fetal death, [or]
9 marriage, **OR CIVIL UNION** certificate for any nonfraudulent and nondeceptive
10 purpose.

11 4-226.

12 (c) Except as authorized by this subtitle, a person may not willfully alter any
13 certificate, certified copy of a certificate, or other certified statement that relates to a
14 birth, death, fetal death, [or] marriage, **OR CIVIL UNION** registered under this
15 subtitle.

16 (e) Without authorization, a person may not produce, reproduce, or
17 distribute a blank certificate or other form that the Secretary uses to register or certify
18 facts that relate to a birth, death, fetal death, [or] marriage, **OR CIVIL UNION**.

19 (f) A person may not willfully use or attempt to use a photocopy of a birth,
20 death, fetal death, [or] marriage, **OR CIVIL UNION** certificate for any fraudulent or
21 deceptive purpose.

22 **Article - State Government**

23 10-617.

24 (k) (1) Except as provided in paragraph (2) of this subsection, a custodian
25 shall deny inspection of the part of an application for a marriage license under § 2-402
26 of the Family Law Article, **A CIVIL UNION LICENSE UNDER § 2.5-302 OF THE**
27 **FAMILY LAW ARTICLE**, or a recreational license under Title 4 of the Natural
28 Resources Article that contains a Social Security number.

29 (2) A custodian shall permit inspection of the part of an application
30 described in paragraph (1) of this subsection that contains a Social Security number
31 to:

32 (i) a person in interest; or

1 (ii) on request, the State Child Support Enforcement
2 Administration.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2008.