

# SENATE BILL 280

D4

8lr2067

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By: **Senator Dyson**

Introduced and read first time: January 25, 2008

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Marriage Ceremonies – Authorized Officials – Retired Clerks**

3 FOR the purpose of adding a retired clerk of the circuit court for a county to the  
4 officials authorized to perform a marriage ceremony in the State; prohibiting a  
5 retired clerk from receiving any fee, remuneration, or gift for performing a  
6 marriage ceremony; providing for the payment of a retired clerk's fee; and  
7 generally relating to officials authorized to perform marriage ceremonies.

8 BY repealing and reenacting, with amendments,  
9 Article – Family Law  
10 Section 2–406(a) and 2–410(a)(1) and (2)  
11 Annotated Code of Maryland  
12 (2006 Replacement Volume and 2007 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:

18 (i) a judge of the District Court, a circuit court, the Court of  
19 Special Appeals, or the Court of Appeals;

20 (ii) a judge approved under Article IV, § 3A of the Maryland  
21 Constitution and § 1–302 of the Courts Article for recall and assignment to the District  
22 Court, a circuit court, the Court of Special Appeals, or the Court of Appeals;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (iii) a judge of a United States District Court or a United States  
2 Court of Appeals; or

3 (iv) a judge of a state court if the judge is active or retired but  
4 eligible for recall.

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

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

8 (ii) any clerk **OR RETIRED CLERK**;

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

11 (iv) a judge.

12 2-410.

13 (a) (1) Except as provided in this subsection, a judge, clerk, **RETIRED**  
14 **CLERK**, or deputy clerk may not receive any fee, remuneration, or gift for performing  
15 a marriage ceremony.

16 (2) (i) 1. A Maryland judge's fee **OR RETIRED CLERK'S FEE**  
17 for performing a marriage ceremony is a nonrefundable fee, payable to the clerk before  
18 a marriage license is issued, in the amount of \$30 in Cecil County and \$25 in any  
19 other county.

20 2. The clerk's or deputy clerk's fee for performing a  
21 marriage ceremony is \$30 in Cecil County and \$25 in any other county.

22 (ii) Each month the clerk shall pay \$10 of each fee collected  
23 under this section into the general fund of the county.

24 (iii) Except as otherwise provided in this subsection, the clerk  
25 shall retain the remainder of each fee and deposit and disburse it in the same manner  
26 as other fees collected by the clerk.

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