

**Department of Legislative Services**  
Maryland General Assembly  
2008 Session

**FISCAL AND POLICY NOTE**

Senate Bill 280 (Senator Dyson)  
Judicial Proceedings

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**Marriage Ceremonies - Authorized Officials - Retired Clerks**

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This bill authorizes a marriage ceremony to be performed in Maryland by a retired clerk of the circuit court for a county. A retired clerk may not receive any fee, remuneration, or gift for performing a marriage ceremony except what is established in law. A retired clerk's fee for performing a marriage ceremony is nonrefundable and payable before the marriage license is issued. The fee is \$30 in Cecil County and \$25 in all other jurisdictions.

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**Fiscal Summary**

**State Effect:** None. The bill would not affect State finances.

**Local Effect:** None. The bill would not affect local government finances.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** A marriage ceremony may be performed in Maryland by any official of a religious order or body authorized by that entity to perform a marriage ceremony, any clerk of the circuit court, any deputy clerk designated by the county administrative judge, or a judge. Within six months after issuance of a marriage license, any authorized official may perform a marriage ceremony for the licensed individuals. A person may not perform a marriage ceremony unless authorized by law. An unauthorized person who performs a marriage ceremony is guilty of a misdemeanor and subject to a maximum fine of \$500.

The county administrative judge of the circuit court for the county designates when and where the clerk or deputy clerk may perform a marriage ceremony and the form of marriage ceremony to be recited by the clerk or deputy clerk and the parties to be married.

Except as authorized by law, a judge, clerk, or deputy clerk may not receive any fee, remuneration, or gift for performing a marriage ceremony. A Maryland judge's fee is nonrefundable and payable before a marriage license is issued. In Cecil County, the fee is \$30 and in any other county \$25. Each month, the clerk must pay \$10 of each collected fee into the general fund of the county. The clerk retains the remainder of each collected fee and must deposit and disburse it in the same manner as other fees collected by the clerk. In several counties, a portion of the remainder is paid to the local historical society or to domestic violence prevention organizations.

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### **Additional Information**

**Prior Introductions:** This bill is similar to HB 1134 of 2007, which passed the House and received an unfavorable report from the Senate Judicial Proceedings Committee.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of Legislative Services

**Fiscal Note History:** First Reader - February 5, 2008  
mcp/hlb

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