

Department of Legislative Services
 Maryland General Assembly
 2012 Session

FISCAL AND POLICY NOTE

House Bill 164 (Delegate Rosenberg)
 Judiciary

Family Law - Marriage Licenses and Ceremonies

This bill repeals the requirement that a marriage license must be issued by the clerk for the county in which the marriage ceremony is to be performed and instead authorizes a clerk to issue a marriage license which allows the parties to go to any county for performance of the marriage ceremony.

Fiscal Summary

State Effect: General fund expenditures increase by \$37,400 in FY 2013 only for computer reprogramming at the Judiciary. Because the bill will not impact the statewide marriage license fee, revenues are not affected.

(in dollars)	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	37,400	0	0	0	0
Net Effect	(\$37,400)	\$0	\$0	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: Revenues from marriage license fees will likely increase in some counties and decrease in others. Expenditures are not affected.

Small Business Effect: None.

Analysis

Current Law: Marriage licenses must be issued by a clerk of the circuit court for the county in which the marriage is to take place. An individual may not marry in this State

without a license, which is valid only for six months from the effective date and time stated on the license and in the county in which it is issued.

Unless the parties to be married are not residents of the county where the marriage ceremony is to be performed, one of the parties (or in Cecil County, both parties) to be married must (1) appear before the clerk and give specified information under oath, which is placed on an application form by the clerk; and (2) sign the application form. If the parties are nonresidents, the clerk must accept an affidavit that contains the information required on the application form and that is sworn to under oath before a clerk or other comparable official in the county, state, province, or country where the party resides.

The clerk for the county in which a marriage ceremony is to be performed may issue and deliver a license at the time the application is made or deliver the license personally or by mail to either of the parties to be married or any person authorized in writing by either party to accept delivery.

Background: The basic statewide marriage license fee is \$10, of which \$5 is retained by the clerk of the circuit court and \$5 is paid into the general fund of the county where the fee is assessed. Except as otherwise specified by law, individual or groups of counties are authorized to set additional marriage license fees of up to \$25 and the proceeds must be used to fund domestic violence programs. **Exhibit 1** shows the additional license fees charged by each county as well as the number of marriage licenses issued by each county in fiscal 2010.

State Fiscal Effect: General fund expenditures increase by \$37,400 in fiscal 2013 for computer reprogramming at the Judiciary. Since the bill does not impact the statewide marriage license fee, State revenues are not affected.

Local Fiscal Effect: Revenues from marriage license fees will likely increase in some counties and decrease in others, depending on the extent to which people applying for marriage licenses do so in counties other than the one in which they plan to marry, as they would be allowed to do under the bill's provisions. The extent to which the bill may affect marriage license revenues cannot be reliably quantified. Although counties retain \$5 from each marriage license issued for their general funds, any revenue from the additional marriage license fee, which varies by county, is statutorily required to be used to fund domestic violence programs.

Exhibit 1
Marriage Licenses and Fees
Fiscal 2010

County	Licenses Issued	Additional License Fee
Allegany	583	\$25
Anne Arundel	3,564	45
Baltimore City	4,380	75
Baltimore	4,678	15
Calvert	503	55
Caroline	196	15
Carroll	860	25
Cecil	1,327	20
Charles	775	35
Dorchester	289	25
Frederick	1,568	65
Garrett	386	40
Harford	1,469	40
Howard	1,658	50
Kent	205	25
Montgomery	5,962	45
Prince George's	4,440	60
Queen Anne's	447	25
St. Mary's	636	25
Somerset	157	25
Talbot	394	25
Washington	1,046	50
Wicomico	635	25
Worcester	730	25
Statewide	36,888	N/A

Additional Information

Prior Introductions: None.

Cross File: SB 216 (Senator Kelley) - Judicial Proceedings.

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

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ncs/kdm

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