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I N S E N A T E

May 2, 2014

Introduced by Sen. LITTLE -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the domestic relations law and the Indian law, in relation to solemnization of marriage by certain officials on an Indian reservation

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 11 of the domestic relations law is amended by
2 adding a new subdivision 3-a to read as follows:
3 3-A. A JUDGE OR PEACEMAKER JUDGE OF ANY INDIAN TRIBAL COURT, A CHIEF,
4 A HEADMAN, OR ANY MEMBER OF ANY TRIBAL COUNCIL OR OTHER GOVERNING BODY
5 OF ANY NATION, TRIBE OR BAND OF INDIANS IN THIS STATE DULY DESIGNATED BY
6 SUCH BODY FOR THE PURPOSE OF OFFICIATING AT MARRIAGES, OR ANY OTHER
7 PERSONS DULY DESIGNATED BY SUCH BODY, IN KEEPING WITH THE CULTURE AND
8 TRADITIONS OF ANY SUCH NATION, TRIBE OR BAND OF INDIANS IN THIS STATE,
9 TO OFFICIATE AT MARRIAGES.
10 S 2. Subdivision 6 of section 11 of the domestic relations law, as
11 amended by chapter 39 of the laws of 1991, is amended to read as
12 follows:
13 6. Notwithstanding any other provisions of this article to the contra-
14 ry no marriage shall be solemnized by a public officer specified in this
15 section, other than a judge of a federal district court for the north-
16 ern, southern, eastern or western district of New York, a judge of the
17 United States court of international trade, a federal administrative law
18 judge presiding in this state, a judge or justice of the unified court
19 system of this [State] STATE, a housing judge of the civil court of the
20 city of New York, or a retired judge or justice of the unified court
21 system or a retired housing judge of the civil court certified pursuant
22 to paragraph (k) of subdivision two of section two hundred twelve of the
23 judiciary law, NOR BY ANY OF THE PERSONS SPECIFIED IN SUBDIVISION
24 THREE-A OF THIS SECTION, outside the territorial jurisdiction in which
25 he or she was elected [or], appointed OR DULY DESIGNATED. Such a public

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 officer, however, elected or appointed within the city of New York may
2 solemnize a marriage anywhere within such city.

3 S 3. Section 4 of the Indian law, as amended by chapter 229 of the
4 laws of 1957 and as renumbered by chapter 174 of the laws of 2013, is
5 amended to read as follows:

6 S 4. Marriage and divorce. The laws of the state relating to the
7 capacity to contract marriage, the solemnization of marriage, the annul-
8 ment of the marriage contract, and divorce, are applicable to Indians;
9 and subject to the jurisdiction of the peacemakers' courts of the Seneca
10 nation to grant divorces, the same courts shall have jurisdiction of
11 actions arising thereunder. But Indians who have heretofore [contract]
12 CONTRACTED marriage according to the Indian custom or usage, and shall
13 cohabit as husband and wife, shall be deemed lawfully married. [Indian]
14 AS PROVIDED BY SUBDIVISION THREE-A OF SECTION ELEVEN OF THE DOMESTIC
15 RELATIONS LAW, marriages may be solemnized by [peacemakers within their
16 jurisdiction with the same force and effect as by a justice of the
17 peace] A JUDGE OR PEACEMAKER JUDGE OF ANY INDIAN TRIBAL COURT, A CHIEF,
18 A HEADMAN, OR ANY MEMBER OF ANY TRIBAL COUNCIL OR OTHER GOVERNING BODY
19 OF ANY NATION, TRIBE OR BAND OF INDIANS IN THIS STATE DULY DESIGNATED BY
20 SUCH BODY FOR THAT PURPOSE, OR ANY OTHER PERSONS DULY DESIGNATED BY SUCH
21 BODY, IN KEEPING WITH THE CULTURE AND TRADITIONS OF ANY SUCH NATION,
22 TRIBE OR BAND OF INDIANS IN THIS STATE, TO OFFICIATE AT MARRIAGES.

23 S 4. This act shall take effect immediately.