

11151

I N   A S S E M B L Y

May 20, 2010

---

Introduced by M. of A. MAGNARELLI -- read once and referred to the  
Committee on Judiciary

AN ACT to amend the domestic relations law and the executive law, in  
relation to allowing military personnel marriages within twenty-four  
hours of receiving a marriage license

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

1     Section 1. Section 13-b of the domestic relations law, as amended by  
2 chapter 652 of the laws of 2007, is amended to read as follows:  
3     S 13-b. Time within which marriage may be solemnized. [A] 1. EXCEPT AS  
4 PROVIDED IN SUBDIVISION TWO OF THIS SECTION, A marriage shall not be  
5 solemnized within twenty-four hours after the issuance of the marriage  
6 license, unless authorized by an order of a court of record as herein-  
7 after provided, nor shall it be solemnized after sixty days from the  
8 date of the issuance of the marriage license unless authorized pursuant  
9 to section three hundred fifty-four-d of the executive law. Every  
10 license to marry hereafter issued by a town or city clerk, in addition  
11 to other requirements specified by this chapter, must contain a state-  
12 ment of the day and the hour the license is issued and the period during  
13 which the marriage may be solemnized. It shall be the duty of the cler-  
14 gyman or magistrate performing the marriage ceremony, or if the marriage  
15 is solemnized by written contract, of the judge before whom the contract  
16 is acknowledged, to annex to or endorse upon the marriage license the  
17 date and hour the marriage is solemnized. A judge or justice of the  
18 supreme court of this state or the county judge of the county in which  
19 either party to be married resides, or if such party is under sixteen  
20 years of age, the judge of the family court of such county, if it shall  
21 appear from an examination of the license and any other proofs submitted  
22 by the parties that one of the parties is in danger of imminent death,  
23 or by reason of other emergency public interest will be promoted there-  
24 by, or that such delay will work irreparable injury or great hardship  
25 upon the contracting parties, or one of them, may make an order author-  
26 izing the immediate solemnization of the marriage and upon filing such  
27 order with the clergyman or magistrate performing the marriage ceremony,

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

LBD03508-04-0

1 or if the marriage is to be solemnized by written contract, with the  
2 judge before whom the contract is acknowledged, such clergyman or magis-  
3 trate may solemnize such marriage, or such judge may take such acknowl-  
4 edgment as the case may be, without waiting for such three day period  
5 and twenty-four hour period to elapse. The clergyman, magistrate or  
6 judge must file such order with the town or city clerk who issued the  
7 license within five days after the marriage is solemnized. Such town or  
8 city clerk must record and index the order in the book required to be  
9 kept by him OR HER for recording affidavits, statements, consents and  
10 licenses, and when so recorded the order shall become a public record  
11 and available in any prosecution under this section. A person who shall  
12 solemnize a marriage in violation of this section shall be guilty of a  
13 misdemeanor and upon conviction thereof shall be punished by a fine of  
14 fifty dollars for each offense, and in addition thereto, his OR HER  
15 right to solemnize a marriage shall be suspended for ninety days.

16 2. NOTWITHSTANDING THE TWENTY-FOUR HOUR WAITING PERIOD PRESCRIBED IN  
17 SUBDIVISION ONE OF THIS SECTION, ANY MILITARY PERSONNEL WHOSE SCHEDULED  
18 MILITARY DEPLOYMENT IS LESS THAN SIXTY DAYS AWAY, OR WHILE SUCH PERSON-  
19 NEL ARE DEPLOYED OR DURING A MOBILIZATION PERIOD, MAY GET MARRIED WITHIN  
20 TWENTY-FOUR HOURS OF RECEIVING A MARRIAGE LICENSE.

21 S 2. Section 354-d of the executive law, as added by chapter 723 of  
22 the laws of 2005, and as renumbered by chapter 652 of the laws of 2007,  
23 is amended to read as follows:

24 S 354-d. Time within which marriage may be solemnized; member of the  
25 armed forces. 1. Notwithstanding section thirteen-b of the domestic  
26 relations law, where either of the parties making application for a  
27 marriage license, pursuant to section thirteen of the domestic relations  
28 law, is a member of the armed forces of the United States on active duty  
29 the marriage of the parties shall not be solemnized within twenty-four  
30 hours after the issuance of the marriage license, nor shall it be solem-  
31 nized after one hundred eighty days from the date of the issuance of the  
32 marriage license. Proof that the applicant is a member of the armed  
33 forces of the United States shall be furnished to the satisfaction of  
34 the official issuing the marriage license. Every license to marry issued  
35 pursuant to the provisions of this section shall state the day and hour  
36 the license is issued and shall contain a recital that it is issued  
37 pursuant to the provisions of this section.

38 2. NOTWITHSTANDING THE TWENTY-FOUR HOUR WAITING PERIOD PRESCRIBED IN  
39 SUBDIVISION ONE OF THIS SECTION, ANY MILITARY PERSONNEL WHOSE SCHEDULED  
40 MILITARY DEPLOYMENT IS LESS THAN SIXTY DAYS AWAY, OR WHILE SUCH PERSON-  
41 NEL ARE DEPLOYED OR DURING A MOBILIZATION PERIOD, MAY GET MARRIED WITHIN  
42 TWENTY-FOUR HOURS OF RECEIVING A MARRIAGE LICENSE.

43 S 3. This act shall take effect immediately.