S T A T E O F N E W Y O R K

3000

2009-2010 Regular Sessions

I N A S S E M B L Y

January 22, 2009

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

AN ACT to amend the domestic relations law, in relation to void marriages

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

Section 1. Section 6 of the domestic relations law, as amended by chapter 144 of the laws of 1950, is amended to read as follows:

S 6. Void marriages. 1. A marriage is absolutely void if contracted by a person whose husband or wife by a former marriage is living, unless either:

[1.] (A) Such former marriage has been annulled or has been dissolved for a cause other than the adultery of such person; provided, that if such former marriage has been dissolved for the cause of the adultery of such person, he or she may marry again in the cases provided for in section eight of this [chapter] ARTICLE and such subsequent marriage shall be valid;

[3.] (B) Such former marriage has been dissolved pursuant to section [seven-a] TWO HUNDRED TWENTY of this chapter.

2. A MARRIAGE OR UNION IS ABSOLUTELY VOID IF CONTRACTED BY TWO PERSONS OF THE SAME SEX, REGARDLESS OF WHETHER SUCH MARRIAGE OR UNION IS RECOGNIZED OR SOLEMNIZED IN ANOTHER JURISDICTION.

S 2. This act shall take effect immediately.

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

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