

7570

I N S E N A T E

April 22, 2010

Introduced by Sen. AUBERTINE -- 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 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 ASSEMBLY, 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.

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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.