

8520

2011-2012 Regular Sessions

I N A S S E M B L Y

June 24, 2011

Introduced by M. of A. O'DONNELL -- (at request of the Governor) -- read once and referred to the Committee on Judiciary

AN ACT to amend the domestic relations law, in relation to the ability to marry; and to amend a chapter of the laws of 2011, amending the domestic relations law relating to the ability to marry, as proposed in legislative bill number A. 8354, in relation to the statutory construction of such chapter; and repealing certain provisions of the domestic relations law relating to parties to a marriage

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

1 Section 1. Section 10-b of the domestic relations law, as added by a  
2 chapter of the laws of 2011, amending the domestic relations law relat-  
3 ing to the ability to marry, as proposed in legislative bill number A.  
4 8354, is REPEALED and a new section 10-b is added to read as follows:  
5 S 10-B. RELIGIOUS EXCEPTION. 1. NOTWITHSTANDING ANY STATE, LOCAL OR  
6 MUNICIPAL LAW, RULE, REGULATION, ORDINANCE, OR OTHER PROVISION OF LAW TO  
7 THE CONTRARY, A RELIGIOUS ENTITY AS DEFINED UNDER THE EDUCATION LAW OR  
8 SECTION TWO OF THE RELIGIOUS CORPORATIONS LAW, OR A CORPORATION INCORPO-  
9 RATED UNDER THE BENEVOLENT ORDERS LAW OR DESCRIBED IN THE BENEVOLENT  
10 ORDERS LAW BUT FORMED UNDER ANY OTHER LAW OF THIS STATE, OR A  
11 NOT-FOR-PROFIT CORPORATION OPERATED, SUPERVISED, OR CONTROLLED BY A  
12 RELIGIOUS CORPORATION, OR ANY EMPLOYEE THEREOF, BEING MANAGED, DIRECTED,  
13 OR SUPERVISED BY OR IN CONJUNCTION WITH A RELIGIOUS CORPORATION, BENEVO-  
14 LENT ORDER, OR A NOT-FOR-PROFIT CORPORATION AS DESCRIBED IN THIS SUBDI-  
15 VISION, SHALL NOT BE REQUIRED TO PROVIDE SERVICES, ACCOMMODATIONS,  
16 ADVANTAGES, FACILITIES, GOODS, OR PRIVILEGES FOR THE SOLEMNIZATION OR  
17 CELEBRATION OF A MARRIAGE. ANY SUCH REFUSAL TO PROVIDE SERVICES, ACCOM-  
18 MODATIONS, ADVANTAGES, FACILITIES, GOODS, OR PRIVILEGES SHALL NOT CREATE  
19 ANY CIVIL CLAIM OR CAUSE OF ACTION OR RESULT IN ANY STATE OR LOCAL  
20 GOVERNMENT ACTION TO PENALIZE, WITHHOLD BENEFITS, OR DISCRIMINATE  
21 AGAINST SUCH RELIGIOUS CORPORATION, BENEVOLENT ORDER, A NOT-FOR-PROFIT

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

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1 CORPORATION OPERATED, SUPERVISED, OR CONTROLLED BY A RELIGIOUS CORPO-  
2 RATION, OR ANY EMPLOYEE THEREOF BEING MANAGED, DIRECTED, OR SUPERVISED  
3 BY OR IN CONJUNCTION WITH A RELIGIOUS CORPORATION, BENEVOLENT ORDER, OR  
4 A NOT-FOR-PROFIT CORPORATION.

5 2. NOTWITHSTANDING ANY STATE, LOCAL OR MUNICIPAL LAW OR RULE, REGU-  
6 LATION, ORDINANCE, OR OTHER PROVISION OF LAW TO THE CONTRARY, NOTHING IN  
7 THIS ARTICLE SHALL LIMIT OR DIMINISH THE RIGHT, PURSUANT TO SUBDIVISION  
8 ELEVEN OF SECTION TWO HUNDRED NINETY-SIX OF THE EXECUTIVE LAW, OF ANY  
9 RELIGIOUS OR DENOMINATIONAL INSTITUTION OR ORGANIZATION, OR ANY ORGAN-  
10 IZATION OPERATED FOR CHARITABLE OR EDUCATIONAL PURPOSES, WHICH IS OPER-  
11 ATED, SUPERVISED OR CONTROLLED BY OR IN CONNECTION WITH A RELIGIOUS  
12 ORGANIZATION, TO LIMIT EMPLOYMENT OR SALES OR RENTAL OF HOUSING ACCOMMO-  
13 DATIONS OR ADMISSION TO OR GIVE PREFERENCE TO PERSONS OF THE SAME RELI-  
14 GION OR DENOMINATION OR FROM TAKING SUCH ACTION AS IS CALCULATED BY SUCH  
15 ORGANIZATION TO PROMOTE THE RELIGIOUS PRINCIPLES FOR WHICH IT IS ESTAB-  
16 LISHED OR MAINTAINED.

17 3. NOTHING IN THIS SECTION SHALL BE DEEMED OR CONSTRUED TO LIMIT THE  
18 PROTECTIONS AND EXEMPTIONS OTHERWISE PROVIDED TO RELIGIOUS ORGANIZATIONS  
19 UNDER SECTION THREE OF ARTICLE ONE OF THE CONSTITUTION OF THE STATE OF  
20 NEW YORK.

21 S 2. Subdivision 1-a of section 11 of the domestic relations law, as  
22 added by a chapter of the laws of 2011, amending the domestic relations  
23 law relating to the ability to marry, as proposed in legislative bill  
24 number A.8354, is amended to read as follows:

25 1-a. A refusal by a clergyman or minister as defined in section two of  
26 the religious corporations law, or Society for Ethical Culture leader to  
27 solemnize any marriage under this subdivision shall not create a civil  
28 claim or cause of action OR RESULT IN ANY STATE OR LOCAL GOVERNMENT  
29 ACTION TO PENALIZE, WITHHOLD BENEFITS OR DISCRIMINATE AGAINST SUCH CLER-  
30 GYMAN OR MINISTER.

31 S 3. A chapter of the laws of 2011, amending the domestic relations  
32 law relating to the ability to marry, as proposed in legislative bill  
33 number A. 8354, is amended by adding a new section 5-a to read as  
34 follows:

35 S 5-A. THIS ACT IS TO BE CONSTRUED AS A WHOLE, AND ALL PARTS OF IT ARE  
36 TO BE READ AND CONSTRUED TOGETHER. IF ANY PART OF THIS ACT SHALL BE  
37 ADJUDGED BY ANY COURT OF COMPETENT JURISDICTION TO BE INVALID, THE  
38 REMAINDER OF THIS ACT SHALL BE INVALIDATED. NOTHING HEREIN SHALL BE  
39 CONSTRUED TO AFFECT THE PARTIES' RIGHT TO APPEAL THE MATTER.

40 S 4. This act shall take effect on the same date as such chapter of  
41 the laws of 2011, takes effect.