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

3962

2011-2012 Regular Sessions

I N A S S E M B L Y

January 31, 2011

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 13-b of the domestic relations law, as amended by chapter 652 of the laws of 2007, is amended to read as follows:

S 13-b. Time within which marriage may be solemnized. [A] 1. EXCEPT AS PROVIDED IN SUBDIVISION TWO OF THIS SECTION, A marriage shall not be solemnized within twenty-four hours after the issuance of the marriage license, unless authorized by an order of a court of record as hereinafter provided, nor shall it be solemnized after sixty days from the date of the issuance of the marriage license unless authorized pursuant to section three hundred fifty-four-d of the executive law. Every license to marry hereafter issued by a town or city clerk, in addition to other requirements specified by this chapter, must contain a statement of the day and the hour the license is issued and the period during which the marriage may be solemnized. It shall be the duty of the clergyman or magistrate performing the marriage ceremony, or if the marriage is solemnized by written contract, of the judge before whom the contract is acknowledged, to annex to or endorse upon the marriage license the date and hour the marriage is solemnized. A judge or justice of the supreme court of this state or the county judge of the county in which either party to be married resides, or if such party is under sixteen years of age, the judge of the family court of such county, if it shall appear from an examination of the license and any other proofs submitted by the parties that one of the parties is in danger of imminent death, or by reason of other emergency public interest will be promoted thereby, or that such delay will work irreparable injury or great hardship

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

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upon the contracting parties, or one of them, may make an order authorizing the immediate solemnization of the marriage and upon filing such order with the clergyman or magistrate performing the marriage ceremony, or if the marriage is to be solemnized by written contract, with the judge before whom the contract is acknowledged, such clergyman or magistrate may solemnize such marriage, or such judge may take such acknowledgment as the case may be, without waiting for such three day period and twenty-four hour period to elapse. The clergyman, magistrate or judge must file such order with the town or city clerk who issued the license within five days after the marriage is solemnized. Such town or city clerk must record and index the order in the book required to be kept by him OR HER for recording affidavits, statements, consents and licenses, and when so recorded the order shall become a public record and available in any prosecution under this section. A person who shall solemnize a marriage in violation of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of fifty dollars for each offense, and in addition thereto, his OR HER right to solemnize a marriage shall be suspended for ninety days.

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

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

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

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

S 3. This act shall take effect immediately.