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

6952

2013-2014 Regular Sessions

I N A S S E M B L Y

April 25, 2013

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

AN ACT to amend the domestic relations law and the public health law, in relation to designating lay individuals to solemnize marriages

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

Section 1. Section 11 of the domestic relations law is amended by adding a new subdivision 3-a to read as follows:

3-A. A TEMPORARY JUSTICE OF THE PEACE, AS DESIGNATED BY THE COMMISSIONER OF HEALTH PURSUANT TO SUBDIVISION TWENTY-NINE OF SECTION TWO HUNDRED SIX OF THE PUBLIC HEALTH LAW.

S 2. 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 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 OR TEMPORARY JUSTICE OF THE PEACE, AS DESIGNATED BY THE COMMISSIONER OF HEALTH PURSUANT TO SUBDIVISION TWENTY-NINE OF SECTION TWO HUNDRED SIX OF THE PUBLIC HEALTH LAW, 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,

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

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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 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 OR TEMPORARY JUSTICE OF THE PEACE, AS DESIGNATED BY THE COMMISSIONER OF HEALTH PURSUANT TO SUBDIVISION TWENTY-NINE OF SECTION TWO HUNDRED SIX OF THE PUBLIC HEALTH LAW, 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 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 right to solemnize a marriage shall be suspended for ninety days.

S 3. Section 206 of the public health law is amended by adding a new subdivision 29 to read as follows:

29. THE COMMISSIONER SHALL ISSUE TEMPORARY JUSTICE OF THE PEACE DESIGNATIONS TO LAYPERSONS OVER THE AGE OF EIGHTEEN REGARDLESS OF STATE RESIDENCE WHO INTEND TO PERFORM A MARRIAGE CEREMONY WITHIN THE STATE. SUCH DESIGNATIONS MAY BE GRANTED AFTER AN APPLICANT MAILS A SIGNED APPLICATION FORM IN A MANNER PRESCRIBED BY THE DEPARTMENT, ACCOMPANIED BY A LETTER OF REFERENCE ATTESTING TO THE APPLICANT'S HIGH STANDARD OF CHARACTER AND A CHECK OR MONEY ORDER FOR TWENTY-FIVE DOLLARS. THE FORM MUST STATE THE CITY OR TOWN IN WHICH THE CEREMONY SHALL BE PERFORMED AND SHALL BE GRANTED ONLY IF RECEIVED THIRTY BUSINESS DAYS BEFORE SUCH DATE. SUCH DESIGNATIONS SHALL ONLY BE VALID FOR THE CEREMONY STATED ON THE APPLICATION.

S 4. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.