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

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I N A S S E M B L Y

April 8, 2014

Introduced by M. of A. RUSSELL -- (at request of the Office of Court Administration) -- read once and referred to the Committee on Judiciary

AN ACT to amend the domestic relations law and the Indian law, in relation to solemnization of marriage by certain officials on an Indian reservation

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 JUDGE OR PEACEMAKER JUDGE OF ANY INDIAN TRIBAL COURT, A CHIEF, A HEADMAN, OR ANY MEMBER OF ANY TRIBAL COUNCIL OR OTHER GOVERNING BODY OF ANY NATION, TRIBE OR BAND OF INDIANS IN THIS STATE DULY DESIGNATED BY SUCH BODY FOR THE PURPOSE OF OFFICIATING AT MARRIAGES, OR ANY OTHER PERSONS DULY DESIGNATED BY SUCH BODY, IN KEEPING WITH THE CULTURE AND TRADITIONS OF ANY SUCH NATION, TRIBE OR BAND OF INDIANS IN THIS STATE, TO OFFICIATE AT MARRIAGES.

S 2. Subdivision 6 of section 11 of the domestic relations law, as amended by chapter 39 of the laws of 1991, is amended to read as follows:

6. Notwithstanding any other provisions of this article to the contrary no marriage shall be solemnized by a public officer specified in this section, other than a judge of a federal district court for the northern, southern, eastern or western district of New York, a judge of the United States court of international trade, a federal administrative law judge presiding in this state, a judge or justice of the unified court system of this [State] STATE, a housing judge of the civil court of the city of New York, or a retired judge or justice of the unified court system or a retired housing judge of the civil court certified pursuant to paragraph (k) of subdivision two of section two hundred twelve of the judiciary law, NOR BY ANY OF THE PERSONS SPECIFIED IN SUBDIVISION THREE-A OF THIS SECTION, outside the territorial jurisdiction in which he or she was elected [or], appointed OR DULY DESIGNATED. Such a public

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

LBD13654-01-4

officer, however, elected or appointed within the city of New York may solemnize a marriage anywhere within such city.

S 3. Section 4 of the Indian law, as amended by chapter 229 of the laws of 1957 and as renumbered by chapter 174 of the laws of 2013, is amended to read as follows:

S 4. Marriage and divorce. The laws of the state relating to the capacity to contract marriage, the solemnization of marriage, the annulment of the marriage contract, and divorce, are applicable to Indians; and subject to the jurisdiction of the peacemakers' courts of the Seneca nation to grant divorces, the same courts shall have jurisdiction of actions arising thereunder. But Indians who have heretofore [contract] CONTRACTED marriage according to the Indian custom or usage, and shall cohabit as husband and wife, shall be deemed lawfully married. [Indian] AS PROVIDED BY SUBDIVISION THREE-A OF SECTION ELEVEN OF THE DOMESTIC RELATIONS LAW, marriages may be solemnized by [peacemakers within their jurisdiction with the same force and effect as by a justice of the peace] A JUDGE OR PEACEMAKER JUDGE OF ANY INDIAN TRIBAL COURT, A CHIEF, A HEADMAN, OR ANY MEMBER OF ANY TRIBAL COUNCIL OR OTHER GOVERNING BODY OF ANY NATION, TRIBE OR BAND OF INDIANS IN THIS STATE DULY DESIGNATED BY SUCH BODY FOR THAT PURPOSE, OR ANY OTHER PERSONS DULY DESIGNATED BY SUCH BODY, IN KEEPING WITH THE CULTURE AND TRADITIONS OF ANY SUCH NATION, TRIBE OR BAND OF INDIANS IN THIS STATE, TO OFFICIATE AT MARRIAGES.

S 4. This act shall take effect immediately.