

5223--A

2015-2016 Regular Sessions

I N A S S E M B L Y

February 13, 2015

Introduced by M. of A. GALEF -- read once and referred to the Committee on Judiciary -- recommitted to the Committee on Judiciary in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the domestic relations law and the executive 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:

1 Section 1. Section 11 of the domestic relations law is amended by  
2 adding a new subdivision 3-b to read as follows:  
3 3-B. A TEMPORARY JUSTICE OF THE PEACE, AS DESIGNATED BY THE SECRETARY  
4 OF STATE PURSUANT TO SECTION ONE HUNDRED NINE OF THE EXECUTIVE LAW.  
5 S 2. Section 13-b of the domestic relations law, as amended by chapter  
6 652 of the laws of 2007, is amended to read as follows:  
7 S 13-b. Time within which marriage may be solemnized. A marriage shall  
8 not be solemnized within twenty-four hours after the issuance of the  
9 marriage license, unless authorized by an order of a court of record as  
10 hereinafter provided, nor shall it be solemnized after sixty days from  
11 the date of the issuance of the marriage license unless authorized  
12 pursuant to section three hundred fifty-four-d of the executive law.  
13 Every license to marry hereafter issued by a town or city clerk, in  
14 addition to other requirements specified by this chapter, must contain a  
15 statement of the day and the hour the license is issued and the period  
16 during which the marriage may be solemnized. It shall be the duty of the  
17 clergyman [or], magistrate OR TEMPORARY JUSTICE OF THE PEACE, AS DESIG-  
18 NATED BY THE SECRETARY OF STATE PURSUANT TO SECTION ONE HUNDRED NINE OF  
19 THE EXECUTIVE LAW, performing the marriage ceremony, or if the marriage  
20 is solemnized by written contract, of the judge before whom the contract  
21 is acknowledged, to annex to or endorse upon the marriage license the  
22 date and hour the marriage is solemnized. A judge or justice of the

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

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1 supreme court of this state or the county judge of the county in which  
2 either party to be married resides, or if such party is under sixteen  
3 years of age, the judge of the family court of such county, if it shall  
4 appear from an examination of the license and any other proofs submitted  
5 by the parties that one of the parties is in danger of imminent death,  
6 or by reason of other emergency public interest will be promoted there-  
7 by, or that such delay will work irreparable injury or great hardship  
8 upon the contracting parties, or one of them, may make an order author-  
9 izing the immediate solemnization of the marriage and upon filing such  
10 order with the clergyman [or], magistrate OR TEMPORARY JUSTICE OF THE  
11 PEACE performing the marriage ceremony, or if the marriage is to be  
12 solemnized by written contract, with the judge before whom the contract  
13 is acknowledged, such clergyman [or], magistrate OR TEMPORARY JUSTICE OF  
14 THE PEACE may solemnize such marriage, or such judge may take such  
15 acknowledgment as the case may be, without waiting for such three day  
16 period and twenty-four hour period to elapse. The clergyman, magistrate  
17 [or], judge OR TEMPORARY JUSTICE OF THE PEACE, AS DESIGNATED BY THE  
18 SECRETARY OF STATE PURSUANT TO SECTION ONE HUNDRED NINE OF THE EXECUTIVE  
19 LAW, must file such order with the town or city clerk who issued the  
20 license within five days after the marriage is solemnized. Such town or  
21 city clerk must record and index the order in the book required to be  
22 kept by him OR HER for recording affidavits, statements, consents and  
23 licenses, and when so recorded the order shall become a public record  
24 and available in any prosecution under this section. A person who shall  
25 solemnize a marriage in violation of this section shall be guilty of a  
26 misdemeanor and upon conviction thereof shall be punished by a fine of  
27 fifty dollars for each offense, and in addition thereto, his OR HER  
28 right to solemnize a marriage shall be suspended for ninety days.

29 S 3. The executive law is amended by adding a new section 109 to read  
30 as follows:

31 S 109. DESIGNATION OF TEMPORARY JUSTICE OF THE PEACE. THE SECRETARY,  
32 OR HIS OR HER DESIGNEE, SHALL ISSUE TEMPORARY JUSTICE OF THE PEACE  
33 DESIGNATIONS TO LAYPERSONS OVER THE AGE OF EIGHTEEN REGARDLESS OF STATE  
34 RESIDENCE WHO INTEND TO PERFORM A MARRIAGE CEREMONY WITHIN THE STATE.  
35 SUCH DESIGNATIONS MAY BE GRANTED AFTER AN APPLICANT MAILES A SIGNED  
36 APPLICATION FORM OR COMPLETES SUCH APPLICATION FORM IN AN ONLINE FORMAT  
37 WITH A FEE TO BE DETERMINED BY THE DEPARTMENT. THE FORM SHALL STATE THE  
38 CITY OR TOWN IN WHICH THE CEREMONY SHALL BE PERFORMED AND SHALL BE  
39 GRANTED ONLY IF RECEIVED THIRTY BUSINESS DAYS BEFORE SUCH DATE. SUCH  
40 DESIGNATIONS SHALL ONLY BE VALID FOR THE CEREMONY STATED ON THE APPLICA-  
41 TION.

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