

5223

2015-2016 Regular Sessions

I N   A S S E M B L Y

February 13, 2015

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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 ASSEM-  
BLY, 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 COMMIS-  
4     SIONER OF HEALTH PURSUANT TO SUBDIVISION TWENTY-NINE OF SECTION TWO  
5     HUNDRED SIX OF THE PUBLIC HEALTH LAW.  
6     S 2. Section 13-b of the domestic relations law, as amended by chapter  
7     652 of the laws of 2007, is amended to read as follows:  
8     S 13-b. Time within which marriage may be solemnized. A marriage shall  
9     not be solemnized within twenty-four hours after the issuance of the  
10    marriage license, unless authorized by an order of a court of record as  
11    hereinafter provided, nor shall it be solemnized after sixty days from  
12    the date of the issuance of the marriage license unless authorized  
13    pursuant to section three hundred fifty-four-d of the executive law.  
14    Every license to marry hereafter issued by a town or city clerk, in  
15    addition to other requirements specified by this chapter, must contain a  
16    statement of the day and the hour the license is issued and the period  
17    during which the marriage may be solemnized. It shall be the duty of the  
18    clergyman [or], magistrate OR TEMPORARY JUSTICE OF THE PEACE, AS DESIG-  
19    NATED BY THE COMMISSIONER OF HEALTH PURSUANT TO SUBDIVISION TWENTY-NINE  
20    OF SECTION TWO HUNDRED SIX OF THE PUBLIC HEALTH LAW, performing the  
21    marriage ceremony, or if the marriage is solemnized by written contract,  
22    of the judge before whom the contract is acknowledged, to annex to or  
23    endorse upon the marriage license the date and hour the marriage is  
24    solemnized. A judge or justice of the supreme court of this state or the  
25    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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1 or if such party is under sixteen years of age, the judge of the family  
2 court of such county, if it shall appear from an examination of the  
3 license and any other proofs submitted by the parties that one of the  
4 parties is in danger of imminent death, or by reason of other emergency  
5 public interest will be promoted thereby, or that such delay will work  
6 irreparable injury or great hardship upon the contracting parties, or  
7 one of them, may make an order authorizing the immediate solemnization  
8 of the marriage and upon filing such order with the clergyman or magis-  
9 trate performing the marriage ceremony, or if the marriage is to be  
10 solemnized by written contract, with the judge before whom the contract  
11 is acknowledged, such clergyman or magistrate may solemnize such  
12 marriage, or such judge may take such acknowledgment as the case may be,  
13 without waiting for such three day period and twenty-four hour period to  
14 elapse. The clergyman, magistrate [or], judge OR TEMPORARY JUSTICE OF  
15 THE PEACE, AS DESIGNATED BY THE COMMISSIONER OF HEALTH PURSUANT TO  
16 SUBDIVISION TWENTY-NINE OF SECTION TWO HUNDRED SIX OF THE PUBLIC HEALTH  
17 LAW, must file such order with the town or city clerk who issued the  
18 license within five days after the marriage is solemnized. Such town or  
19 city clerk must record and index the order in the book required to be  
20 kept by him for recording affidavits, statements, consents and licenses,  
21 and when so recorded the order shall become a public record and avail-  
22 able in any prosecution under this section. A person who shall solemnize  
23 a marriage in violation of this section shall be guilty of a misdemeanor  
24 and upon conviction thereof shall be punished by a fine of fifty dollars  
25 for each offense, and in addition thereto, his right to solemnize a  
26 marriage shall be suspended for ninety days.

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

29 29. THE COMMISSIONER SHALL ISSUE TEMPORARY JUSTICE OF THE PEACE DESIG-  
30 NATIONS TO LAYPERSONS OVER THE AGE OF EIGHTEEN REGARDLESS OF STATE RESI-  
31 DENCE WHO INTEND TO PERFORM A MARRIAGE CEREMONY WITHIN THE STATE. SUCH  
32 DESIGNATIONS MAY BE GRANTED AFTER AN APPLICANT MAILES A SIGNED APPLICA-  
33 TION FORM IN A MANNER PRESCRIBED BY THE DEPARTMENT, ACCOMPANIED BY A  
34 LETTER OF REFERENCE ATTESTING TO THE APPLICANT'S HIGH STANDARD OF CHAR-  
35 ACTER AND A CHECK OR MONEY ORDER FOR TWENTY-FIVE DOLLARS. THE FORM MUST  
36 STATE THE CITY OR TOWN IN WHICH THE CEREMONY SHALL BE PERFORMED AND  
37 SHALL BE GRANTED ONLY IF RECEIVED THIRTY BUSINESS DAYS BEFORE SUCH DATE.  
38 SUCH DESIGNATIONS SHALL ONLY BE VALID FOR THE CEREMONY STATED ON THE  
39 APPLICATION.

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