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

4189

2015-2016 Regular Sessions

I N S E N A T E

March 5, 2015

Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the domestic relations law, in relation to solemnization of marriages by a civil celebrant

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

Section 1. Subdivision 1 of section 11 of the domestic relation law, as amended by chapter 95 of the laws of 2011, is amended and a new subdivision 1-b is added to read as follows:

1. A clergyman or minister of any religion, A CIVIL CELEBRANT WHO IS CERTIFIED BY THE SECRETARY OF STATE TO SOLEMNIZE MARRIAGES AS SET FORTH IN SUBDIVISION ONE-B OF THIS SECTION, or by the senior leader, or any of the other leaders, of The Society for Ethical Culture in the city of New York, having its principal office in the borough of Manhattan, or by the leader of The Brooklyn Society for Ethical Culture, having its principal office in the borough of Brooklyn of the city of New York, or of the Westchester Ethical Society, having its principal office in Westchester county, or of the Ethical Culture Society of Long Island, having its principal office in Nassau county, or of the Riverdale-Yonkers Ethical Society having its principal office in Bronx county, or by the leader of any other Ethical Culture Society affiliated with the American Ethical Union; provided that no clergyman or minister as defined in section two of the religious corporations law, or Society for Ethical Culture leader shall be required to solemnize any marriage when acting in his or her capacity under this subdivision.

1-B. A CIVIL CELEBRANT SHALL BE AUTHORIZED TO SOLEMNIZE MARRIAGES IF CERTIFIED TO DO SO BY THE SECRETARY OF STATE.

(A) A CIVIL CELEBRANT SHALL RECEIVE A CERTIFICATION FROM THE SECRETARY OF STATE TO SOLEMNIZE MARRIAGES IF THE CELEBRANT:

(1) IS AT LEAST EIGHTEEN YEARS OF AGE AND HAS GRADUATED FROM A SECONDARY SCHOOL IN THE UNITED STATES;

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

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(2) HAS COMPLETED A CIVIL CELEBRANT COURSE OFFERED BY A NON-DENOMINATIONAL OR EDUCATIONAL CHARITABLE ORGANIZATION THAT IS REGISTERED WITH THE STATE AND WHICH COURSE:

(I) INCLUDES CLASSES THAT MEET WEEKLY OR WITH MORE FREQUENCY, EITHER ADMINISTERED IN PERSON OR BY OTHER MEANS, OVER A PERIOD OF NOT LESS THAN SIX MONTHS; AND

(II) EDUCATES ON TOPICS INCLUDING, BUT NOT LIMITED TO, CELEBRANT PHILOSOPHY AND HISTORY, CEREMONIAL STRUCTURE, AND CEREMONIAL PRESENTATIONS; AND

(3)(I) SUBMITS A COMPLETED APPLICATION FORM, DEVELOPED BY THE SECRETARY OF STATE PURSUANT TO REGULATION, WHICH INCLUDES THE NAME AND ADDRESS OF THE CELEBRANT-APPLICANT ALONG WITH ANY OTHER RELEVANT INFORMATION ON THE CELEBRANT-APPLICANT REQUIRED BY THE SECRETARY OF STATE, AND SUPPORTING DOCUMENTATION WITH RESPECT TO ALL CERTIFICATION REQUIREMENTS SET FORTH IN THIS SUBDIVISION; AND

(II) PAYS TO THE DEPARTMENT OF STATE, AT THE TIME OF SUBMITTING THE COMPLETED APPLICATION, A FEE OF NOT LESS THAN FIFTY DOLLARS OR MORE THAN SEVENTY-FIVE DOLLARS, AS DETERMINED BY THE SECRETARY OF STATE BY REGULATION, TO COVER COSTS FOR PROCESSING APPLICATIONS, PRODUCING AND ISSUING CERTIFICATES, AND MAINTAINING RECORDS ON APPLICATIONS AND CERTIFICATES ISSUED OR DENIED.

(B)(1) A CELEBRANT-APPLICANT SHALL NOT BE AUTHORIZED TO SOLEMNIZE MARRIAGES UNTIL THE APPLICATION FOR CERTIFICATION IS APPROVED AND THE CERTIFICATE RECEIVED FROM THE SECRETARY OF STATE.

(2) A CIVIL CELEBRANT WHO HAS RECEIVED A CERTIFICATION FROM THE SECRETARY OF STATE MAY HAVE THAT CERTIFICATION REVOKED, THROUGH A HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE, IF THE SECRETARY OF STATE DETERMINES THAT ANY INFORMATION PROVIDED IN THE CELEBRANT'S APPLICATION WAS INACCURATE OR OTHERWISE DID NOT COMPLY WITH THE CERTIFICATION REQUIREMENTS SET FORTH IN THIS SUBDIVISION. A CIVIL CELEBRANT SUBJECT TO A REVOCATION HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OR ANY APPEAL THEREOF SHALL NOT BE AUTHORIZED TO SOLEMNIZE MARRIAGES AND SHALL ONLY AGAIN BE AUTHORIZED TO DO SO IF A FINAL DETERMINATION IS MADE PERMITTING THE CIVIL CELEBRANT TO RETAIN THE CERTIFICATION.

S 2. This act shall take effect immediately.