

STATE OF NEW YORK

64

2019-2020 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sen. ROBACH -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the domestic relations law and the executive law, in relation to allowing marriages within twenty-four hours of receiving a marriage license

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 13-b of the domestic relations law, as amended by
2 chapter 35 of the laws of 2017, is amended to read as follows:
3 § 13-b. Time within which marriage may be solemnized. [~~A~~] 1. Except
4 as provided in subdivision two of this section, a marriage shall not be
5 solemnized within twenty-four hours after the issuance of the marriage
6 license, unless authorized by an order of a court of record as herein-
7 after provided, nor shall it be solemnized after sixty days from the
8 date of the issuance of the marriage license unless authorized pursuant
9 to section three hundred fifty-four-d of the executive law. Every
10 license to marry hereafter issued by a town or city clerk, in addition
11 to other requirements specified by this chapter, must contain a state-
12 ment of the day and the hour the license is issued and the period during
13 which the marriage may be solemnized. It shall be the duty of the cler-
14 gyman or magistrate performing the marriage ceremony, or if the marriage
15 is solemnized by written contract, of the judge before whom the contract
16 is acknowledged, to annex to or endorse upon the marriage license the
17 date and hour the marriage is solemnized. A judge or justice of the
18 supreme court of this state or the county judge of the county in which
19 either party to be married resides, or if such party is at least seven-
20 teen years of age, the judge of the family court of such county, if it
21 shall appear from an examination of the license and any other proofs
22 submitted by the parties that one of the parties is in danger of immi-

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

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1 nent death, or by reason of other emergency public interest will be
2 promoted thereby, or that such delay will work irreparable injury or
3 great hardship upon the contracting parties, or one of them, may, upon
4 making written affirmative findings under subdivision three of section
5 fifteen of this article, make an order authorizing the immediate solemn-
6 ization of the marriage and upon filing such order with the clergyman
7 or magistrate performing the marriage ceremony, or if the marriage is to
8 be solemnized by written contract, with the judge before whom the
9 contract is acknowledged, such clergyman or magistrate may solemnize
10 such marriage, or such judge may take such acknowledgment as the case
11 may be, without waiting for such three day period and twenty-four hour
12 period to elapse. The clergyman, magistrate or judge must file such
13 order with the town or city clerk who issued the license within five
14 days after the marriage is solemnized. Such town or city clerk must
15 record and index the order in the book required to be kept by him or her
16 for recording affidavits, statements, consents and licenses, and when so
17 recorded the order shall become a public record and available in any
18 prosecution under this section. A person who shall solemnize a marriage
19 in violation of this section shall be guilty of a misdemeanor and upon
20 conviction thereof shall be punished by a fine of fifty dollars for each
21 offense, and in addition thereto, his or her right to solemnize a
22 marriage shall be suspended for ninety days.

23 2. Notwithstanding the twenty-four hour waiting period prescribed in
24 subdivision one of this section, any military personnel whose scheduled
25 military deployment is less than thirty days away may get married within
26 twenty-four hours of receiving a marriage license.

27 § 2. Section 354-d of the executive law, as added by chapter 723 of
28 the laws of 2005 and as renumbered by chapter 652 of the laws of 2007,
29 is amended to read as follows:

30 § 354-d. Time within which marriage may be solemnized; member of the
31 armed forces. 1. Notwithstanding section thirteen-b of the domestic
32 relations law, where either of the parties making application for a
33 marriage license, pursuant to section thirteen of the domestic relations
34 law, is a member of the armed forces of the United States on active duty
35 the marriage of the parties shall not be solemnized within twenty-four
36 hours after the issuance of the marriage license, nor shall it be solemn-
37 ized after one hundred eighty days from the date of the issuance of the
38 marriage license. Proof that the applicant is a member of the armed
39 forces of the United States shall be furnished to the satisfaction of
40 the official issuing the marriage license. Every license to marry issued
41 pursuant to the provisions of this section shall state the day and hour
42 the license is issued and shall contain a recital that it is issued
43 pursuant to the provisions of this section.

44 2. Notwithstanding the twenty-four hour waiting period prescribed in
45 subdivision one of this section, any military personnel whose scheduled
46 military deployment is less than thirty days away may get married within
47 twenty-four hours of receiving a marriage license.

48 § 3. This act shall take effect immediately.