

HOUSE BILL 570

D4

8lr1798

By: **Delegates Simmons and Dumais**

Introduced and read first time: January 31, 2008

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Civil Unions**

3 FOR the purpose of authorizing certain parties to enter into civil unions in the State;
4 establishing that certain provisions relating to marriages apply to civil unions;
5 establishing that a civil union entered into in another jurisdiction that is valid
6 under the laws of that jurisdiction is valid in this State; establishing that State
7 and local laws that apply to spouses apply to parties who have entered into a
8 civil union; applying certain spousal support and domestic relations provisions
9 to civil unions; establishing that the rights of parties to a civil union with
10 respect to a child of whom either becomes the natural parent during the term of
11 the civil union are the same as those of a married couple; authorizing parties to
12 a civil union to modify the terms and conditions of their civil union in a certain
13 manner; specifying a nonexclusive list of legal benefits, protections, and
14 responsibilities of spouses that apply in the same manner to parties to a civil
15 union; establishing the Maryland Civil Union Review Commission; providing for
16 the membership, duties, and staffing of the Commission; requiring the
17 Commission to elect a chair and vice chair from among its members; prohibiting
18 a member of the Commission from receiving certain compensation; establishing
19 that a member of the Commission is entitled to reimbursement for certain
20 expenses; requiring the Commission to submit a certain annual report to the
21 General Assembly on or before a certain date; defining a certain term; stating
22 the findings and declarations of the General Assembly regarding this Act;
23 providing for the termination of certain provisions of this Act; and generally
24 relating to civil unions.

25 BY adding to

26 Article – Family Law

27 Section 2.5–101 through 2.5–401 to be under the new title “Title 2.5. Civil
28 Unions”

29 Annotated Code of Maryland

30 (2006 Replacement Volume and 2007 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article - Family Law**

4 **TITLE 2.5. CIVIL UNIONS.**

5 **SUBTITLE 1. DEFINITIONS; LEGISLATIVE FINDINGS AND DECLARATIONS.**

6 **2.5-101.**

7 IN THIS SUBTITLE, "CIVIL UNION" MEANS THE LEGALLY RECOGNIZED
8 UNION OF TWO ELIGIBLE INDIVIDUALS OF THE SAME SEX ESTABLISHED IN
9 ACCORDANCE WITH THIS TITLE.

10 **2.5-102.**

11 **THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:**

12 (1) SAME-SEX COUPLES IN MARYLAND LIVE TOGETHER IN
13 COMMITTED RELATIONSHIPS WITHOUT THE BENEFITS AND RIGHTS AFFORDED
14 TO HETEROSEXUAL COUPLES WHO CHOOSE TO MARRY;

15 (2) PROMOTING SUCH STABLE AND DURABLE RELATIONSHIPS AS
16 WELL AS ELIMINATING THE OBSTACLES AND HARDSHIPS THAT SAME-SEX
17 COUPLES MAY FACE IS NECESSARY AND PROPER AND REAFFIRMS THIS STATE'S
18 OBLIGATION TO ENSURE EQUALITY FOR ALL THE CITIZENS OF MARYLAND; AND

19 (3) THIS TITLE MAY NOT BE CONSTRUED TO REQUIRE AN
20 OFFICIAL OF A RELIGIOUS INSTITUTION OR BODY AUTHORIZED TO SOLEMNIZE
21 MARRIAGES TO SOLEMNIZE ANY CIVIL UNION IN VIOLATION OF THE RIGHT TO
22 FREE EXERCISE OF RELIGION GUARANTEED BY THE FIRST AMENDMENT TO THE
23 UNITED STATES CONSTITUTION AND BY THE MARYLAND CONSTITUTION AND
24 THE MARYLAND DECLARATION OF RIGHTS.

25 **SUBTITLE 2. GENERAL PROVISIONS.**

26 **2.5-201.**

27 (A) TWO PARTIES MAY ENTER INTO A CIVIL UNION IN THE STATE IF
28 EACH PARTY:

29 (1) IS NOT A PARTY TO ANOTHER CIVIL UNION OR MARRIAGE;

1 (D) PARTIES TO A CIVIL UNION MAY MODIFY THE TERMS AND
2 CONDITIONS OF THEIR CIVIL UNION IN THE SAME MANNER AND TO THE SAME
3 EXTENT AS MARRIED INDIVIDUALS WHO EXECUTE A PRENUPTIAL AGREEMENT
4 OR OTHER AGREEMENT RECOGNIZED AND ENFORCEABLE UNDER THE LAW.

5 **2.5-304.**

6 THE FOLLOWING IS A NONEXCLUSIVE LIST OF LEGAL BENEFITS,
7 PROTECTIONS, AND RESPONSIBILITIES OF SPOUSES THAT SHALL APPLY IN THE
8 SAME MANNER TO PARTIES TO A CIVIL UNION:

9 (1) LAWS RELATING TO TITLE, TENURE, DESCENT AND
10 DISTRIBUTION, INTESTATE SUCCESSION, WAIVER OF WILL, SURVIVORSHIP, OR
11 OTHER INCIDENTS OF THE ACQUISITION, OWNERSHIP, OR TRANSFER, INTER
12 VIVOS OR AT DEATH, OF REAL OR PERSONAL PROPERTY, INCLUDING
13 ELIGIBILITY TO HOLD REAL OR PERSONAL PROPERTY AS TENANTS BY THE
14 ENTIRETY AS PROVIDED IN THE ESTATES AND TRUSTS ARTICLE AND THE REAL
15 PROPERTY ARTICLE;

16 (2) CAUSES OF ACTION RELATED TO OR DEPENDENT ON SPOUSAL
17 STATUS, INCLUDING AN ACTION FOR WRONGFUL DEATH, EMOTIONAL DISTRESS,
18 LOSS OF CONSORTIUM, OR OTHER TORTS OR ACTIONS UNDER CONTRACT
19 RELATED TO OR DEPENDENT ON SPOUSAL STATUS;

20 (3) PROBATE LAW AND PROCEDURE, AS PROVIDED IN THE
21 ESTATES AND TRUSTS ARTICLE;

22 (4) ADOPTION LAW AND PROCEDURE AS PROVIDED IN TITLE 5 OF
23 THIS ARTICLE;

24 (5) GROUP INSURANCE FOR STATE EMPLOYEES AS PROVIDED IN
25 TITLE 2, SUBTITLE 5 OF THE STATE PERSONNEL AND PENSIONS ARTICLE AND
26 CONTINUING CARE CONTRACTS AS PROVIDED IN TITLE 10, SUBTITLE 4 OF THE
27 HUMAN SERVICES ARTICLE;

28 (6) DOMESTIC VIOLENCE PROTECTIONS AND PROGRAMS AS
29 PROVIDED IN TITLE 4, SUBTITLE 5 OF THIS ARTICLE;

30 (7) PROHIBITIONS AGAINST DISCRIMINATION BASED ON MARITAL
31 STATUS AS PROVIDED IN ARTICLE 49B OF THE CODE;

32 (8) VICTIM'S COMPENSATION RIGHTS AS PROVIDED IN TITLE 11
33 OF THE CRIMINAL PROCEDURE ARTICLE;

1 **(9) WORKERS' COMPENSATION BENEFITS AS PROVIDED IN TITLE**
2 **9 OF THE LABOR AND EMPLOYMENT ARTICLE;**

3 **(10) LAWS RELATING TO EMERGENCY AND NONEMERGENCY**
4 **MEDICAL CARE AND TREATMENT AND HOSPITAL VISITATION AND**
5 **NOTIFICATION, INCLUDING THE PATIENT'S BILL OF RIGHTS AS PROVIDED IN**
6 **TITLE 19, SUBTITLE 3, PART VI OF THE HEALTH – GENERAL ARTICLE;**

7 **(11) ADVANCE DIRECTIVES AS PROVIDED IN TITLE 5, SUBTITLE 6**
8 **OF THE HEALTH – GENERAL ARTICLE;**

9 **(12) PUBLIC ASSISTANCE BENEFITS AS PROVIDED IN TITLE 5 OF**
10 **THE HUMAN SERVICES ARTICLE;**

11 **(13) LAWS RELATING TO TAXES IMPOSED BY THE STATE OR A**
12 **COUNTY OTHER THAN ESTATE TAXES;**

13 **(14) LAWS RELATING TO IMMUNITY FROM COMPELLED TESTIMONY**
14 **AND SPOUSAL TESTIMONIAL IMMUNITY AS PROVIDED IN TITLE 9 OF THE**
15 **COURTS ARTICLE;**

16 **(15) THE SPOUSAL HOMESTEAD PROTECTION RIGHTS AS**
17 **PROVIDED IN THE MARYLAND MEDICAL ASSISTANCE PROGRAM UNDER TITLE**
18 **15, SUBTITLE 1 OF THE HEALTH – GENERAL ARTICLE AND HOMESTEAD**
19 **PROPERTY TAX CREDIT AND OTHER PROPERTY TAX EXEMPTIONS AND RELIEF**
20 **GRANTED TO SPOUSES AS PROVIDED IN THE TAX – PROPERTY ARTICLE;**

21 **(16) THE FARMER DISASTER LOAN PROGRAM AS PROVIDED IN**
22 **TITLE 2, SUBTITLE 6 OF THE AGRICULTURE ARTICLE;**

23 **(17) LAWS RELATING TO THE MAKING AND REVOKING OF**
24 **ANATOMICAL GIFTS BY OTHERS AND THE RIGHTS OF NEXT OF KIN AS PROVIDED**
25 **IN TITLE 4, SUBTITLE 5 OF THE ESTATES AND TRUSTS ARTICLE;**

26 **(18) LEGAL REQUIREMENTS FOR THE ASSIGNMENT OF WAGES AS**
27 **PROVIDED IN TITLE 15, SUBTITLE 3 OF THE COMMERCIAL LAW ARTICLE; AND**

28 **(19) LANDOWNER RIGHTS TO HUNT ON FARMLAND AS PROVIDED IN**
29 **§ 10-301 OF THE NATURAL RESOURCES ARTICLE.**

30 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
31 read as follows:

1 Article - Family Law

2 SUBTITLE 4. MARYLAND CIVIL UNION REVIEW COMMISSION.

3 2.5-401.

4 (A) THERE IS A MARYLAND CIVIL UNION REVIEW COMMISSION.

5 (B) THE COMMISSION SHALL CONSIST OF THE FOLLOWING 14
6 MEMBERS:7 (1) TWO MEMBERS OF THE SENATE OF MARYLAND, WHO SHALL
8 BE OF DIFFERENT POLITICAL PARTY AFFILIATIONS, APPOINTED BY THE
9 PRESIDENT OF THE SENATE;10 (2) TWO MEMBERS OF THE HOUSE OF DELEGATES, WHO SHALL
11 BE OF DIFFERENT POLITICAL PARTY AFFILIATIONS, APPOINTED BY THE
12 SPEAKER OF THE HOUSE;13 (3) FOUR INDIVIDUALS REPRESENTING THE GENERAL PUBLIC
14 APPOINTED BY THE GOVERNOR, ONE OF WHOM SHALL BE AN ATTORNEY
15 FAMILIAR WITH MARYLAND FAMILY LAW;16 (4) THE ATTORNEY GENERAL OF MARYLAND, OR THE ATTORNEY
17 GENERAL'S DESIGNEE;18 (5) THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR THE
19 SECRETARY'S DESIGNEE;20 (6) THE SECRETARY OF HUMAN RESOURCES, OR THE
21 SECRETARY'S DESIGNEE;22 (7) THE DIRECTOR OF THE GOVERNOR'S OFFICE FOR CHILDREN,
23 OR THE DIRECTOR'S DESIGNEE;24 (8) THE CHIEF JUDGE OF THE COURT OF APPEALS, OR THE
25 CHIEF JUDGE'S DESIGNEE; AND26 (9) THE CHAIR OF THE COMMISSION ON HUMAN RELATIONS, OR
27 THE CHAIR'S DESIGNEE.28 (C) FROM AMONG ITS MEMBERS, THE COMMISSION SHALL ELECT A
29 CHAIR AND VICE CHAIR.

1 (D) **A MEMBER OF THE COMMISSION:**

2 (1) **MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE**
3 **COMMISSION; BUT**

4 (2) **IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE**
5 **STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE**
6 **BUDGET.**

7 (E) **THE OFFICE OF THE ATTORNEY GENERAL SHALL PROVIDE STAFF**
8 **FOR THE COMMISSION.**

9 (F) **THE COMMISSION SHALL:**

10 (1) **EVALUATE THE IMPLEMENTATION, OPERATION, AND**
11 **EFFECTIVENESS OF THIS TITLE;**

12 (2) **COLLECT INFORMATION CONCERNING THE EFFECTIVENESS**
13 **OF THIS TITLE FROM MEMBERS OF THE PUBLIC, STATE AGENCIES, AND PRIVATE**
14 **AND PUBLIC SECTOR BUSINESSES AND ORGANIZATIONS;**

15 (3) **DETERMINE WHETHER ADDITIONAL PROTECTIONS ARE**
16 **NEEDED;**

17 (4) **COLLECT INFORMATION CONCERNING THE RECOGNITION AND**
18 **TREATMENT OF CIVIL UNIONS BY OTHER STATES AND JURISDICTIONS,**
19 **INCLUDING THE PROCEDURES FOR DISSOLUTION;**

20 (5) **EVALUATE THE EFFECT ON SAME-SEX COUPLES, THEIR**
21 **CHILDREN, AND OTHER FAMILY MEMBERS OF BEING PROVIDED CIVIL UNIONS**
22 **RATHER THAN MARRIAGE;**

23 (6) **EVALUATE THE FINANCIAL IMPACT ON THE STATE OF**
24 **SAME-SEX COUPLES BEING PROVIDED CIVIL UNIONS RATHER THAN MARRIAGE;**
25 **AND**

26 (7) **REVIEW THIS TITLE AND MAKE RECOMMENDATIONS AS TO**
27 **WHETHER THIS TITLE SHOULD BE MODIFIED OR REPEALED.**

28 (G) **ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE COMMISSION**
29 **SHALL SUBMIT AN ANNUAL REPORT DETAILING ITS FINDINGS AND**
30 **RECOMMENDATIONS TO THE GENERAL ASSEMBLY IN ACCORDANCE WITH §**
31 **2-1246 OF THE STATE GOVERNMENT ARTICLE.**

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 June 1, 2008. Section 2 of this Act shall remain effective for a period of 2 years and 7
3 months and, at the end of December 31, 2010, with no further action required by the
4 General Assembly, Section 2 of this Act shall be abrogated and of no further force and
5 effect.