

SENATE BILL 116

D4
SB 582/10 – JPR

1lr0387

By: **Senators Garagiola, Madaleno, Raskin, Ferguson, Forehand, Frosh, Gladden, Jones-Rodwell, Kelley, King, Manno, McFadden, Montgomery, Pinsky, Pugh, Ramirez, Young, and Zirkin**

Introduced and read first time: January 21, 2011

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: February 23, 2011

CHAPTER _____

1 AN ACT concerning

2 ~~**Religious Freedom and Civil Marriage Protection Act**~~

3 FOR the purpose of altering a provision of law establishing that only certain
4 marriages are valid in this State; making stylistic and conforming changes in
5 certain provisions of law prohibiting marriages within certain degrees of
6 relationship; prohibiting certain officials from being required to solemnize a
7 marriage in violation of a certain constitutional right; prohibiting certain
8 religious entities from being required to provide services, accommodations,
9 advantages, facilities, goods, or privileges to an individual under certain
10 circumstances; prohibiting certain fraternal benefit societies from being
11 required to admit an individual as a member or provide insurance benefits to an
12 individual under certain circumstances; ~~providing that a certain refusal~~ certain
13 refusals may not create a civil claim or cause of action or constitute the basis for
14 the withholding of governmental benefits or services from certain entities;
15 providing for the construction of a certain provision of this Act; and generally
16 relating to valid marriages.

17 BY repealing and reenacting, with amendments,
18 Article – Family Law
19 Section 2–201 and 2–202
20 Annotated Code of Maryland
21 (2006 Replacement Volume and 2010 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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 2–201.

5 **(A) THIS SECTION MAY NOT BE CONSTRUED TO INVALIDATE ANY OTHER**
6 **PROVISION OF THIS TITLE.**

7 **(B) Only a marriage between [a man and a woman] TWO INDIVIDUALS WHO**
8 **ARE NOT OTHERWISE PROHIBITED FROM MARRYING** is valid in this State.

9 2–202.

10 (a) Any marriage performed in this State that is prohibited by this section is
11 void.

12 (b) (1) [A man] AN INDIVIDUAL may not marry [his] THE
13 INDIVIDUAL’S:

14 (i) grandmother;

15 (ii) mother;

16 (iii) daughter;

17 (iv) sister; or

18 (v) granddaughter.

19 (2) A woman may not marry her:

20 (i) grandfather;

21 (ii) father;

22 (iii) son;

23 (iv) brother; or

24 (v) grandson]

25 **(I) GRANDPARENT;**

26 **(II) PARENT;**

1 (III) CHILD;

2 (IV) SIBLING; OR

3 (V) GRANDCHILD.

4 [(3) (2) An individual who violates any provision of this subsection
 5 is guilty of a misdemeanor and on conviction is subject to a fine of \$1,500.

6 (c) (1) [A man] AN INDIVIDUAL may not marry [his] THE
 7 INDIVIDUAL'S:

8 (i) grandfather's wife;

9 (ii) wife's grandmother;

10 (iii) father's sister;

11 (iv) mother's sister;

12 (v) stepmother;

13 (vi) wife's mother;

14 (vii) wife's daughter;

15 (viii) son's wife;

16 (ix) grandson's wife;

17 (x) wife's granddaughter;

18 (xi) brother's daughter; or

19 (xii) sister's daughter.

20 (2) A woman may not marry her:

21 (i) grandmother's husband;

22 (ii) husband's grandfather;

23 (iii) father's brother;

24 (iv) mother's brother;

25 (v) stepfather;

- 1 (vi) husband's father;
- 2 (vii) husband's son;
- 3 (viii) daughter's husband;
- 4 (ix) husband's grandson;
- 5 (x) brother's son;
- 6 (xi) sister's son; or
- 7 (xii) granddaughter's husband]
- 8 **(I) GRANDPARENT'S SPOUSE;**
- 9 **(II) SPOUSE'S GRANDPARENT;**
- 10 **(III) PARENT'S SIBLING;**
- 11 **(IV) STEPPARENT;**
- 12 **(V) SPOUSE'S PARENT;**
- 13 **(VI) SPOUSE'S CHILD;**
- 14 **(VII) CHILD'S SPOUSE;**
- 15 **(VIII) GRANDCHILD'S SPOUSE;**
- 16 **(IX) SPOUSE'S GRANDCHILD; OR**
- 17 **(X) SIBLING'S CHILD.**

18 **[(3)] (2) An individual who violates any provision of this subsection**
 19 **is guilty of a misdemeanor and on conviction is subject to a fine of \$500.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That an official of a religious
 21 institution or body authorized to solemnize marriages may not be required to
 22 solemnize any marriage in violation of the right to free exercise of religion guaranteed
 23 by the First Amendment to the United States Constitution and by the Maryland
 24 Constitution and Maryland Declaration of Rights.

25 **SECTION 3. AND BE IT FURTHER ENACTED, That:**

1 (a) Notwithstanding any other provision of law, a religious organization,
 2 association, or society, or any nonprofit institution or organization operated,
 3 supervised, or controlled by a religious organization, association, or society, may not be
 4 required to provide services, accommodations, advantages, facilities, goods, or
 5 privileges to an individual if the request for the services, accommodations, advantages,
 6 facilities, goods, or privileges is related to:

7 (1) the solemnization of a marriage or celebration of a marriage that is
 8 in violation of the entity's religious beliefs; or

9 (2) the promotion of marriage, through religious programs, counseling,
 10 educational courses, summer camps, and retreats, in violation of the entity's religious
 11 beliefs.

12 (b) A refusal by an entity described in subsection (a) of this section to provide
 13 services, accommodations, advantages, facilities, goods, or privileges in accordance
 14 with subsection (a) of this section may not create a civil claim or cause of action or
 15 constitute the basis for the withholding of governmental benefits or services from the
 16 entity.

17 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That:

18 (a) Notwithstanding any other provision of law, a fraternal benefit society
 19 described in § 8-402 of the Insurance Article that is operated, supervised, or controlled
 20 by a religious organization may not be required to admit an individual as a member or
 21 to provide insurance benefits to an individual if to do so would violate the society's
 22 religious beliefs.

23 (b) A refusal by a fraternal benefit society described in subsection (a) of this
 24 section to admit an individual as a member or to provide insurance benefits to an
 25 individual may not create a civil claim or cause of action or constitute the basis for the
 26 withholding of governmental benefits or services from the fraternal benefit society.

27 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
 28 October 1, 2011.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.