2008 -- S 2204

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S T A T E O F R H O D E I S L A N D

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2008

A N A C T

RELATING TO DOMESTIC RELATIONS -- PERSONS ELIGIBLE TO MARRY

Introduced By: Senators Perry, Sosnowski, Miller, C Levesque, and Pichardo

Date Introduced: January 31, 2008

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

SECTION 1. Sections 15-1-1, 15-1-2, 15-1-3 and 15-1-4 of the General Laws in Chapter 15-1 entitled "Persons Eligible to Marry" are hereby amended to read as follows:

15-1-1. ~~Men forbidden to marry kindred. –~~ Equal access to marriage. -- ~~No man shall marry his mother, grandmother, daughter, son's daughter, daughter's daughter, stepmother, grandfather's wife, son's wife, son's son's wife, daughter's son's wife, wife's mother, wife's grandmother, wife's daughter, wife's son's daughter, wife's daughter's daughter, sister, brother's daughter, sister's daughter, father's sister, or mother's sister.~~ Any person who otherwise meets the eligibility requirements of chapters 15-1 and 15-2 may marry any other eligible person regardless of gender.

15-1-2. ~~Women forbidden to marry kindred. –~~ Marrying kindred forbidden. -- ~~No woman shall marry her father, grandfather, son, son's son, daughter's son, stepfather, grandmother's husband, daughter's husband, son's daughter's husband, daughter's daughter's husband, husband's father, husband's grandfather, husband's son, husband's son's son, husband's daughter's son, brother, brother's son, sister's son, father's brother, or mother's brother.~~ No person shall marry his or her parent, grandparent, child, grandchild, stepparent, grandparent's spouse, child's spouse, grandchild's spouse, spouse's parent, spouse's grandparent, spouse's child, spouse's grandchild, sibling, sibling's child or parent's sibling.

15-1-3. Incestuous marriages void. -- If any ~~man or woman~~ person intermarries within the degrees stated in ~~section 15-1-1 or~~ section 15-1-2, the marriage shall be null and void.

15-1-4. Marriages of kindred allowed by Jewish religion. -- The provisions of sections ~~15-1-1 – 15-1-3~~ 15-1-2 and 15-1-3 shall not extend to, or in any way affect, any marriage which shall be solemnized among the Jewish people, within the degrees of affinity or consanguinity allowed by their religion.

SECTION 2. Section 15-2-1 of the General Laws in Chapter 15-2 entitled "Marriage Licenses" is hereby amended to read as follows:

15-2-1. ~~License required -- Proof of divorce.~~ -- Civil marriage – License required – Proof of Divorce. -- (a) Civil marriage is a legal institution recognized by the state in order to promote stable relationships and to protect individuals who are in those relationships. The institution of marriage also provides important protections for those who are married and their families, including not only any children or other dependents they may have, but also members of their extended families.

~~(a)~~ (b) Persons intending to be joined together in civil marriage in this state must first obtain a license from the clerk of the town or city in which;

(1) ~~The female~~ Either party to the proposed marriage resides; or in the city or town in which

~~(2) The male party resides, if the female party is a nonresident of this state; or in the city or town in which~~

~~(3)~~ (2) The proposed marriage is to be performed, if both parties are nonresidents of this state.

~~(b)~~ (c) Before any license shall be issued to any person who, having been previously married, has been divorced, the person shall present to the town or city clerk an authenticated copy of the decree granting the divorce.

SECTION 3. Chapter 15-3 of the General Laws entitled "Solemnization of Marriages" is hereby amended by adding thereto the following section:

15-3-5.1. Protection of freedom of religion in marriage. – (a) Consistent with the guarantees of freedom of religion set forth by both the First Amendment to the United States Constitution and Article I, Section 3 of the Rhode Island Constitution, each religious institution has exclusive control over its own religious doctrine, policy, and teachings regarding who may marry within their faith, and on what terms. No court or other state or local governmental body, entity, agency or commission shall compel, prevent, or interfere in any way with any religious institution's decisions about marriage eligibility within that particular faith's tradition.

(b) Consistent with the guarantees of freedom of religion set forth by both the First Amendment to the United States Constitution and Article I, Section 3 of the Rhode Island

Constitution, ordained clergy, ministers or elders as described and authorized in sections 15-3-5 and 15-3-6 of the general laws to officiate at a civil marriage shall not be obligated or otherwise required by law to officiate at any particular civil marriage or religious rite of marriage.

SECTION 4. This act shall take effect upon passage.

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EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

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This act would broaden the definition of persons eligible to marry to include persons of the same gender. This act would also provide that members of the clergy would not be required to officiate at any particular marriage.

This act would take effect upon passage.

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