

HB0231S01 compared with HB0231

~~text~~ shows text that was in HB0231 but was deleted in HB0231S01.

text shows text that was not in HB0231 but was inserted into HB0231S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Jacob L. Anderegg proposes the following substitute bill:

MARRIAGE MODIFICATIONS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jacob L. Anderegg

Senate Sponsor: _____

LONG TITLE

General Description:

This bill affirms a ~~clergy member's~~person's religious freedom to act within the confines of the ~~member's~~person's religious ~~organization~~beliefs.

Highlighted Provisions:

This bill:

- ▶ recognizes the fundamental right of religious liberty; and
- ▶ affirms that a ~~member of the clergy~~person authorized to solemnize a marriage is not required to solemnize a marriage that violates the ~~member's~~person's religious belief system.

Money Appropriated in this Bill:

None

Other Special Clauses:

HB0231S01 compared with HB0231

This bill provides an immediate effective date.

Utah Code Sections Affected:

~~ENACTS~~; AMENDS:

30-1-6~~5~~, as last amended by Laws of Utah ~~{Code Annotated 1953}~~; 2010, Chapter
132

Be it enacted by the Legislature of the state of Utah:

Section 1. Section 30-1-6 is amended to read:

30-1-6. Who may solemnize marriages -- Certificate.

(1) Marriages may be solemnized by the following persons only:

(a) ministers, rabbis, or priests of any religious denomination who are:

(i) in regular communion with any religious society; and

(ii) 18 years of age or older;

(b) Native American spiritual advisors;

(c) the governor;

(d) the lieutenant governor;

(e) mayors of municipalities or county executives;

(f) a justice, judge, or commissioner of a court of record;

(g) a judge of a court not of record of the state;

(h) judges or magistrates of the United States;

(i) the county clerk of any county in the state, if the clerk chooses to solemnize marriages;

(j) the president of the Senate;

(k) the speaker of the House of Representatives; or

(l) a judge or magistrate who holds office in Utah when retired, under rules set by the Supreme Court.

(2) A person authorized under Subsection (1) who solemnizes a marriage shall give to the couple married a certificate of marriage that shows the:

(a) name of the county from which the license is issued; and

(b) date of the license's issuance.

(3) As used in this section:

HB0231S01 compared with HB0231

(a) "Judge or magistrate of the United States" means:

(i) a justice of the United States Supreme Court;

(ii) a judge of a court of appeals;

(iii) a judge of a district court;

(iv) a judge of any court created by an act of Congress the judges of which are entitled to hold office during good behavior;

(v) a judge of a bankruptcy court;

(vi) a judge of a tax court; or

(vii) a United States magistrate.

(b) (i) "Native American spiritual advisor" means a person who:

(A) (I) leads, instructs, or facilitates a Native American religious ceremony or service;

or

(II) provides religious counseling; and

(B) is recognized as a spiritual advisor by a federally recognized Native American tribe.

(ii) "Native American spiritual advisor" includes a sweat lodge leader, medicine person, traditional religious practitioner, or holy man or woman.

(4) Notwithstanding any other provision in law, no person authorized under Subsection (1) to solemnize a marriage may delegate or deputize another person to perform the function of solemnizing a marriage, except that only employees of the office responsible for the issuance of marriage licenses may be deputized.

~~{Section 1. Section 30-1-6.5 is enacted to read:~~

~~30-1-6.5. When clergy not required to solemnize marriage.~~

~~A member of the clergy, as described in Subsection 30-1-6(1)(a) or (b),~~ (5) A person authorized under Subsection (1) to solemnize a marriage is not required and may not be compelled to solemnize a marriage when doing so would violate the ~~{member's, or the member's religious organization's,}~~ person's sincerely held religious beliefs, tenets, doctrine, practices, or the ~~{member's}~~ person's fundamental right to religious liberty.

Section 2. **Effective date.**

If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah

HB0231S01 compared with HB0231

Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
the date of veto override.

†

Legislative Review Note

~~as of 11-13-13 4:02 PM~~

~~Office of Legislative Research and General Counsel}~~