

HB0112S01 compared with HB0112

~~deleted text~~ shows text that was in HB0112 but was deleted in HB0112S01.

inserted text shows text that was not in HB0112 but was inserted into HB0112S01.

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 Jennifer Dailey-Provost proposes the following substitute bill:

MARRIAGE ~~{SELF-SOLEMNIZATION}~~ SELF-SOLEMNIZATION

AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jennifer ~~{Dailey-Provost}~~ Dailey-Provost

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends who may perform a marriage.

Highlighted Provisions:

This bill:

- ▶ allows the couple to be married to solemnize their own marriage; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

HB0112S01 compared with HB0112

Utah Code Sections Affected:

AMENDS:

30-1-6, as last amended by Laws of Utah 2019, Chapter 317

30-1-11, as last amended by Laws of Utah 2019, Chapter 420

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) As used in this section:

(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 an individual who:

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

~~[(1) Except for a county clerk, or a county clerk's designee, as provided below, the]~~

~~(2) The following individuals may solemnize a marriage [at that individual's discretion]:~~

(a) an individual 18 years old or older who is authorized by a religious denomination to solemnize a marriage;

(b) a Native American spiritual [advisors] advisor;

HB0112S01 compared with HB0112

- (c) the governor;
 - (d) the lieutenant governor;
 - (e) ~~[mayors of municipalities or county executives]~~ a mayor of a municipality or county executive;
 - (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]~~ a judge or magistrate of the United States;
 - (i) the county clerk of any county in the state or the county clerk's designee as authorized by Section 17-20-4;
 - (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~~[-]; or~~
 - (m) the individuals entering ~~into~~ the marriage ~~if both individuals are:~~
 - (i) at least 18 years old; and
 - (ii) not in the custody or guardianship of a state agency.
- ~~[(2) An]~~ (3) Each individual authorized under Subsection ~~[(1) who]~~ (2) that solemnizes a marriage shall ~~[give to]~~ ensure the couple married receives 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:]~~
- ~~[(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.]~~

HB0112S01 compared with HB0112

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

~~[(A) leads, instructs, or facilitates a Native American religious ceremony or service or 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) Except for an individual described in Subsection (2)(i), an individual described in Subsection (2) has discretion to solemnize a marriage.

~~[(4)]~~ (5) Except as provided in Section 17-20-4 and Subsection (2)(i), and notwithstanding any other provision in law, no individual authorized under Subsection ~~[(+)]~~ (2) to solemnize a marriage may delegate or deputize another individual to perform the function of solemnizing a marriage.

Section 2. Section **30-1-11** is amended to read:

30-1-11. Return of license after ceremony -- Failure -- Penalty.

(1) The individual solemnizing the marriage or the married couple self-solemnizing their marriage shall, within 30 days after solemnizing the marriage return the license to the clerk of the county that issues the license, with a certificate of the marriage over ~~[the individual's signature]~~ each solemnizer's signature, giving the date and place of celebration and the names of two or more witnesses present at the marriage.

(2) ~~[An]~~ Each individual solemnizer described in Subsection (1) who fails to return the license is guilty of an infraction.