

Bill as Introduced

SB 263 - AS INTRODUCED

2014 SESSION

14-2697
05/01

SENATE BILL **263**

AN ACT allowing state court judges to solemnize marriages.

SPONSORS: Sen. Carson, Dist 14; Sen. Lasky, Dist 13; Sen. Boutin, Dist 16; Sen. Soucy,
Dist 18; Rep. M. Smith, Straf 6; Rep. Rowe, Hills 22; Rep. G. Hopper, Hills 2;
Rep. Charron, Rock 4

COMMITTEE: Judiciary

ANALYSIS

This bill permits judges of the New Hampshire supreme court, superior court, and circuit court to solemnize marriages.

This bill is a request of the supreme court.

Explanation: Matter added to current law appears in *bold italics*.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT allowing state court judges to solemnize marriages.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Solemnization of Marriage by State Court Judge. Amend RSA 457:31, I to read as follows:

2 I. In a civil ceremony by a justice of the peace as commissioned by the state, ***by a state***
3 ***supreme court justice, superior court judge, or circuit court judge***, and by judges of the
4 United States appointed pursuant to Article III of the United States Constitution, by bankruptcy
5 judges appointed pursuant to Article I of the United States Constitution, or by United States
6 magistrate judges appointed pursuant to federal law; or

7 2 Judges of the United States and State of New Hampshire. Amend RSA 457:32-a to read as
8 follows:

9 457:32-a Judges of the United States ***and the State of New Hampshire***.

10 I. The secretary of state may issue a special license to ***marry a couple within this state:***

11 (a) To a judge of the United States residing in this state who is appointed pursuant to
12 Article III of the United States Constitution, to a judge of the United States Bankruptcy Court
13 residing in this state and appointed pursuant to Article I of the United States Constitution, or to a
14 United States magistrate judge residing in this state and appointed pursuant to federal law[~~;~~
15 ~~to marry a couple within the state]; or~~

16 (b) ***To a state supreme court justice, superior court judge, or circuit court judge.***

17 II. There shall be a fee of \$25 for each such license, and the secretary of state shall maintain
18 a record of all such special licenses issued. A copy of the marriage license of the couple proposed to
19 be married shall be filed with the secretary of state who shall maintain a permanent record of all
20 such marriage licenses and the name and residence of the judge or magistrate performing the
21 ceremony.

22 3 Effective Date. This act shall take effect 60 days after its passage.

Committee Minutes

**SENATE CALENDAR NOTICE
JUDICIARY**

Senator Sharon Carson Chairman
 Senator Bette Lasky V Chairman
 Senator David Boutin
 Senator Sam Cataldo
 Senator Donna Soucy

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

Date: January 15, 2014

HEARINGS

Tuesday

1/21/2014

JUDICIARY

SH 100

9:00 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

9:00 AM	SB249	relative to judicial performance evaluations.
9:30 AM	SB260-FN	permitting electronic signatures on criminal complaints for certain offenses.
9:45 AM	SB263	allowing state court judges to solemnize marriages.
10:00 AM	SB317-FN	relative to trafficking in persons.

Sponsors:

SB249

Sen. Sharon Carson

Rep. Marjorie Smith

SB260-FN

Sen. David Boutin

SB263

Sen. Sharon Carson

Sen. Bette Lasky

Sen. David Boutin

Sen. Donna Soucy

Rep. Marjorie Smith

Rep. Robert Rowe

Rep. Gary Hopper

Rep. Gene Charron

SB317-FN

Sen. Donna Soucy

Rep. Robert Cushing

Rep. Stephen Shurtleff

Sen. Sharon Carson

Sen. David Watters

Sen. David Boutin

Sen. Andrew Hosmer

Rep. Gene Chandler

Sen. Sam Cataldo

Rep. Gene Charron

Rep. Shannon Chandley

Sen. Molly Kelly

Susan Duncan 271-3076

Sen. Sharon Carson

Chairman

SENATE JUDICIARY COMMITTEE

Susan Duncan, Senior Legislative Aide

SB 263 – allowing state court judges to solemnize marriages.

Hearing Date: January 21, 2014

Time Opened: 9:45 a.m.

Time Closed: 9:50 a.m.

Members of the Committee Present: Senators Carson, Lasky, Boutin and Soucy

Members of the Committee Absent: Senator Cataldo

Bill Analysis: This bill permits judges of the New Hampshire Supreme Court, Superior Court and Circuit Court to solemnize marriages and was a request of the NH Supreme Court.

Sponsors: Senator Carson with Senators Lasky, Boutin, Soucy; Representatives M. Smith, Rowe, G. Hopper and Charron

Who supports the bill: Senators Carson, Lasky, Boutin and Soucy; Attorney Howard Zibel on behalf of the Supreme Court and the Judicial Branch

Who opposes the bill: No one

Summary of testimony presented in support:

Senator Carson

Explained that there have been questions as to whether New Hampshire judges have the ability to perform marriages – this clarifies that they do.

Attorney Zibel

Appeared on behalf of the Supreme Court and said that there really is little to add. This issue was brought up by some of the judges who had been asked to perform marriages. Some judges thought that they have the same authority as Justices of the Peace. All federal judges (whether assigned to New Hampshire or elsewhere) have the authority to perform marriages here. This clarifies that New Hampshire judges have that same ability.

Summary of testimony presented in opposition: None

Fiscal Note: Not applicable

Action: Senator Soucy moved “Ought to Pass.” Senator Boutin seconded the Motion. The Committee voted 4 to 0 in support. Senator Carson will report the bill out.

Speakers

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: January 22, 2014

THE COMMITTEE ON Judiciary
to which was referred Senate Bill 263

AN ACT allowing state court judges to solemnize marriages.

Having considered the same, the committee recommends that the

Bill:

OUGHT TO PASS

BY A VOTE OF: 4 – 0

Senator Sharon M. Carson
For the Committee

Susan Duncan 271-3076

New Hampshire General Court - Bill Status System

Docket of SB263

Docket Abbreviations

Bill Title: allowing state court judges to solemnize marriages.*Official Docket of SB263:*

Date	Body	Description
12/11/2013	S	Introduced 1/8/2014 and Referred to Judiciary
1/16/2014	S	Hearing: 1/21/14, Room 100, SH, 9:45 a.m.; SC3
1/22/2014	S	Committee Report: Ought to Pass, 1/30/14; SC4
1/30/2014	S	Ought to Pass: MA, VV; OT3rdg

NH House**NH Senate**

Other Referrals

SB 263-- ALLOWING STATE COURT JUDGES TO SOLEMNIZE MARRIAGES.

ORIGINAL REFERRAL

RE-REFERRAL

-
-
1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
 2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
 3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
 4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

DOCKET (Submit only the latest docket found in Bill Status)

COMMITTEE REPORT

CALENDAR NOTICE

HEARING REPORT

PREPARED TESTIMONY AND OTHER SUBMISSIONS HANDED IN AT THE PUBLIC HEARING

SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

- AMENDMENT # _____ - AMENDMENT # _____
 - AMENDMENT # _____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED
 AS AMENDED BY THE SENATE (IF AMENDED)

OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

DATE DELIVERED TO SENATE CLERK

2/25/14

By:

Susan J. Duncan
COMMITTEE AIDE