



General Assembly

January Session, 2007

Raised Bill No. 7395

LCO No. 5991

* HB07395JUD 041307 *

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING MARRIAGE EQUALITY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46b-20 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 As used in this chapter:

4 [(a)] (1) "Registrar" means the registrar of vital statistics;

5 [(b)] (2) "Applicant" means applicant for a marriage license;

6 [(c)] (3) "License" means marriage license; and

7 (4) "Marriage" means the legal union of two persons.

8 Sec. 2. (NEW) (*Effective October 1, 2007*) A person is eligible to marry
9 if such person is:

10 (1) Not a party to another marriage or to a civil union or domestic
11 partnership in this state or another state or jurisdiction;

12 (2) Of the same or opposite sex as the other party to the marriage;

13 (3) Except as provided in section 46b-30 of the general statutes, at
14 least eighteen years of age;

15 (4) Except as provided in section 46b-29 of the general statutes, not
16 under the supervision or control of a conservator; and

17 (5) Not prohibited from entering into a marriage pursuant to section
18 46b-21 of the general statutes, as amended by this act.

19 Sec. 3. Section 46b-25 of the general statutes is repealed and the
20 following is substituted in lieu thereof (*Effective October 1, 2007*):

21 No license may be issued by the registrar until both persons have
22 appeared before the registrar and made application for a license. The
23 registrar shall issue a license to any two persons eligible to marry
24 under this chapter. The license shall be completed in its entirety, dated,
25 signed and sworn to by each applicant and shall state each applicant's
26 name, age, race, birthplace, residence, whether single, widowed or
27 divorced and whether under the supervision or control of a
28 conservator or guardian. The Social Security numbers of [the bride and
29 the groom] both persons shall be recorded in the "administrative
30 purposes" section of the license. If the license is signed and sworn to by
31 the applicants on different dates, the earlier date shall be deemed the
32 date of application.

33 Sec. 4. Section 46b-21 of the general statutes is repealed and the
34 following is substituted in lieu thereof (*Effective October 1, 2007*):

35 [No man may marry his mother, grandmother, daughter,
36 granddaughter, sister, aunt, niece, stepmother or stepdaughter, and no
37 woman may marry her father, grandfather, son, grandson, brother,
38 uncle, nephew, stepfather or stepson.] No person may marry such
39 person's parent, grandparent, child, grandchild, sibling, parent's
40 sibling, sibling's child, stepparent or stepchild. Any marriage within
41 these degrees is void.

42 Sec. 5. (NEW) (*Effective October 1, 2007*) (a) No person authorized to

43 join persons in marriage pursuant to section 46b-22 of the general
44 statutes shall be required to solemnize any marriage in violation of his
45 or her right to the free exercise of religion guaranteed by the first
46 amendment to the United States Constitution or section 3 of article first
47 of the Constitution of the state.

48 (b) Any person authorized to join persons in marriage pursuant to
49 section 46b-22 of the general statutes who fails or refuses to join
50 persons in marriage for any reason shall not be subject to any fine or
51 other penalty for such failure or refusal.

52 Sec. 6. (NEW) (*Effective October 1, 2007*) Wherever in the general
53 statutes or the public acts the term "husband", "wife", "groom", "bride",
54 "widower" or "widow" is used, such term shall be deemed to include
55 one party to a marriage between two persons of the same sex.

56 Sec. 7. (NEW) (*Effective October 1, 2007*) (a) Notwithstanding the
57 provisions of subdivision (1) of section 2 of this act, on and after the
58 effective date of this section and prior to October 1, 2008, two persons
59 who are parties to a civil union entered into pursuant to sections 46b-
60 38aa to 46b-38oo, inclusive, of the general statutes, as amended by this
61 act, may apply for and be issued a marriage license, provided such
62 persons are otherwise eligible to marry under section 2 of this act and
63 the parties to the marriage will be the same as the parties to the civil
64 union.

65 (b) After the celebration of such marriage and upon the recording of
66 the license certificate or notarized affidavit with the registrar of vital
67 statistics of the town where the marriage took place pursuant to
68 section 46b-34 of the general statutes, the civil union of such persons
69 shall be dissolved by operation of law as of the date of the marriage
70 stated in the certificate or affidavit.

71 Sec. 8. (NEW) (*Effective October 1, 2007*) (a) Any civil union
72 established pursuant to sections 46b-38aa to 46b-38oo, inclusive, of the
73 general statutes, as amended by this act, that has not been dissolved by
74 the parties or by operation of law under section 7 of this act as of

75 October 1, 2008, shall become a valid marriage under chapter 815e of
76 the general statutes, as amended by this act, on said date and such civil
77 union shall be dissolved by operation of law on said date.

78 (b) Notwithstanding the provisions of subsection (a) of this section,
79 any civil union with respect to which a proceeding for dissolution,
80 annulment or legal separation is pending on October 1, 2008, shall not
81 become a marriage on said date, and shall continue to be governed by
82 the provisions of the general statutes applicable to civil unions in effect
83 prior to October 1, 2008.

84 Sec. 9. Section 45a-727a of the general statutes is repealed and the
85 following is substituted in lieu thereof (*Effective October 1, 2007*):

86 The General Assembly finds that:

87 (1) The best interests of a child are promoted by having persons in
88 the child's life who manifest a deep concern for the child's growth and
89 development;

90 (2) The best interests of a child are promoted when a child has as
91 many persons loving and caring for the child as possible; and

92 (3) The best interests of a child are promoted when the child is part
93 of a loving, supportive and stable family, whether that family is a
94 nuclear, extended, split, blended, single parent, adoptive or foster
95 family. [; and]

96 [(4) It is further found that the current public policy of the state of
97 Connecticut is now limited to a marriage between a man and a
98 woman.]

99 Sec. 10. Section 46b-38nn of the general statutes is repealed and the
100 following is substituted in lieu thereof (*Effective October 1, 2007*):

101 Parties to a civil union shall have all the same benefits, protections
102 and responsibilities under law, whether derived from the general
103 statutes, administrative regulations or court rules, policy, common law

104 or any other source of civil law, as are granted to spouses in a
 105 marriage. [, which is defined as the union of one man and one
 106 woman.]

107 Sec. 11. (NEW) (*Effective October 1, 2007*) Nothing in this act shall
 108 impair or affect any action or proceeding commenced, or any right or
 109 benefit accrued, or obligation incurred, by a party to a civil union prior
 110 to October 1, 2008.

111 Sec. 12. Sections 46b-38aa to 46b-38pp, inclusive, of the general
 112 statutes are repealed. (*Effective October 1, 2008*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	46b-20
Sec. 2	<i>October 1, 2007</i>	New section
Sec. 3	<i>October 1, 2007</i>	46b-25
Sec. 4	<i>October 1, 2007</i>	46b-21
Sec. 5	<i>October 1, 2007</i>	New section
Sec. 6	<i>October 1, 2007</i>	New section
Sec. 7	<i>October 1, 2007</i>	New section
Sec. 8	<i>October 1, 2007</i>	New section
Sec. 9	<i>October 1, 2007</i>	45a-727a
Sec. 10	<i>October 1, 2007</i>	46b-38nn
Sec. 11	<i>October 1, 2007</i>	New section
Sec. 12	<i>October 1, 2008</i>	Repealer section

JUD *Joint Favorable*