



Senate

General Assembly

File No. 259

February Session, 2008

Senate Bill No. 323

Senate, March 31, 2008

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING THE VALIDATION OF CERTAIN MARRIAGES AND CIVIL UNIONS.

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

1 Section 1. Section 46b-22a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) All marriages celebrated before [June 7, 2006] the effective date
4 of this section, otherwise valid except that the justice of the peace
5 joining such persons in marriage did not have a valid certificate of
6 qualification, are validated, provided the justice of the peace who
7 joined such persons in marriage represented himself or herself to be a
8 duly qualified justice of the peace and such persons reasonably relied
9 upon such representation.

10 (b) All marriages celebrated on or after January 1, 2006, and before
11 the effective date of this section, otherwise valid except that the term of
12 office as justice of the peace of the person joining such persons in
13 marriage had expired, are validated, provided the person who joined

14 such persons in marriage represented himself or herself to be a duly
15 qualified justice of the peace and such persons reasonably relied upon
16 such representation.

17 Sec. 2. Section 46b-24a of the general statutes is repealed and the
18 following is substituted in lieu thereof (*Effective from passage*):

19 All marriages celebrated before [June 7, 2006] the effective date of
20 this section, otherwise valid except that the license for any such
21 marriage was issued in a town other than the town in this state in
22 which such marriage was celebrated [,] or [where] in which either
23 party to the marriage resided at the time [of the marriage license] the
24 application for such license was made, are validated.

25 Sec. 3. (NEW) (*Effective from passage*) (a) All civil unions celebrated
26 before the effective date of this section, otherwise valid except that the
27 justice of the peace joining such persons in such civil union did not
28 have a valid certificate of qualification, are validated, provided the
29 justice of the peace who joined such persons in such civil union
30 represented himself or herself to be a duly qualified justice of the peace
31 and such persons reasonably relied upon such representation.

32 (b) All civil unions celebrated on or after January 1, 2006, and before
33 the effective date of this section, otherwise valid except that the term of
34 office as justice of the peace of the person joining such persons in such
35 civil union had expired, are validated, provided the person who joined
36 such persons in such civil union represented himself or herself to be a
37 duly qualified justice of the peace and such persons reasonably relied
38 upon such representation.

39 Sec. 4. (NEW) (*Effective from passage*) All civil unions celebrated
40 before the effective date of this section, otherwise valid except that the
41 license for any such civil union was issued in a town other than the
42 town in this state in which such civil union was celebrated or in which
43 either party to the civil union resided at the time the application for
44 such license was made, are validated.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	46b-22a
Sec. 2	<i>from passage</i>	46b-24a
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section

JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**SB 323*****AN ACT CONCERNING THE VALIDATION OF CERTAIN MARRIAGES AND CIVIL UNIONS.*****SUMMARY:**

This bill updates current law to validate marriages and civil unions performed up to the date the bill passes in a town other than (1) that authorized by the license or (2) where either party resided at the time of the license application.

It also validates marriages and civil unions performed (1) on or after January 1, 2006 and before the date the bill passes by a justice of the peace whose appointment had expired or (2) before the bill's effective date by a justice of the peace who lacked a valid appointment certificate. In both cases, the couple must have reasonably relied on the officiant's representation that he or she was qualified to perform the marriage or join the couple in civil union.

This is the first validation act for Connecticut civil unions, which became legally recognized on October 1, 2005.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 39 Nay 0 (03/12/2008)