



General Assembly

January Session, 2009

**Raised Bill No. 899**

LCO No. 3352

\*03352\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

**AN ACT IMPLEMENTING THE GUARANTEE OF EQUAL PROTECTION UNDER THE CONSTITUTION OF THE STATE FOR SAME SEX COUPLES.**

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

1 Section 1. (NEW) (*Effective from passage*) A marriage, or a  
2 relationship that provides substantially the same rights, benefits and  
3 responsibilities as a marriage, between two persons entered into in  
4 another state or jurisdiction and recognized as valid by such other state  
5 or jurisdiction shall be recognized as a valid marriage in this state,  
6 provided such marriage or relationship is not expressly prohibited by  
7 statute in this state.

8 Sec. 2. (NEW) (*Effective from passage*) A marriage between two  
9 persons entered into in this state and recognized as valid in this state  
10 may be recognized as a marriage, or a relationship that provides  
11 substantially the same rights, benefits and responsibilities as a  
12 marriage, in another state or jurisdiction if one or both persons travel  
13 to or reside in such other state or jurisdiction.

14 Sec. 3. Section 46b-20 of the general statutes is repealed and the

15 following is substituted in lieu thereof (*Effective from passage*):

16 As used in this chapter:

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

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

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

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

21 Sec. 4. (NEW) (*Effective from passage*) A person is eligible to marry if  
22 such person is:

23 (1) Not a party to another marriage, or a relationship that provides  
24 substantially the same rights, benefits and responsibilities as a  
25 marriage, entered into in this state or another state or jurisdiction,  
26 unless the parties to the marriage will be the same as the parties to  
27 such other marriage or relationship;

28 (2) Except as provided in section 46b-30 of the general statutes, at  
29 least eighteen years of age;

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

32 (4) Not prohibited from entering into a marriage pursuant to section  
33 46b-21 of the general statutes, as amended by this act.

34 Sec. 5. Section 46b-25 of the general statutes is repealed and the  
35 following is substituted in lieu thereof (*Effective from passage*):

36 No license may be issued by the registrar until both persons have  
37 appeared before the registrar and made application for a license. The  
38 registrar shall issue a license to any two persons eligible to marry  
39 under this chapter. The license shall be completed in its entirety, dated,  
40 signed and sworn to by each applicant and shall state each applicant's

41 name, age, race, birthplace, residence, whether single, widowed or  
42 divorced and whether under the supervision or control of a  
43 conservator or guardian. The Social Security numbers of [the bride and  
44 the groom] both persons shall be recorded in the "administrative  
45 purposes" section of the license. If the license is signed and sworn to by  
46 the applicants on different dates, the earlier date shall be deemed the  
47 date of application.

48 Sec. 6. Section 46b-21 of the general statutes is repealed and the  
49 following is substituted in lieu thereof (*Effective from passage*):

50 [No man may marry his mother, grandmother, daughter,  
51 granddaughter, sister, aunt, niece, stepmother or stepdaughter, and no  
52 woman may marry her father, grandfather, son, grandson, brother,  
53 uncle, nephew, stepfather or stepson.] No person may marry such  
54 person's parent, grandparent, child, grandchild, sibling, parent's  
55 sibling, sibling's child, stepparent or stepchild. Any marriage within  
56 these degrees is void.

57 Sec. 7. (NEW) (*Effective from passage*) No member of the clergy  
58 authorized to join persons in marriage pursuant to section 46b-22 of  
59 the general statutes shall be required to solemnize any marriage in  
60 violation of his or her right to the free exercise of religion guaranteed  
61 by the first amendment to the United States Constitution or section 3 of  
62 article first of the Constitution of the state.

63 Sec. 8. (NEW) (*Effective from passage*) Wherever in the general  
64 statutes or the public acts the term "husband", "wife", "groom", "bride",  
65 "widower" or "widow" is used, such term shall be deemed to include  
66 one party to a marriage between two persons of the same sex.

67 Sec. 9. Section 45a-727a of the general statutes is repealed and the  
68 following is substituted in lieu thereof (*Effective from passage*):

69 The General Assembly finds that:

70 (1) The best interests of a child are promoted by having persons in

71 the child's life who manifest a deep concern for the child's growth and  
72 development;

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

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

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

82 Sec. 10. Section 46b-38nn of the general statutes is repealed and the  
83 following is substituted in lieu thereof (*Effective from passage*):

84 Parties to a civil union shall have all the same benefits, protections  
85 and responsibilities under law, whether derived from the general  
86 statutes, administrative regulations or court rules, policy, common law  
87 or any other source of civil law, as are granted to spouses in a  
88 marriage. [; which is defined as the union of one man and one  
89 woman.]

90 Sec. 11. (NEW) (*Effective from passage*) (a) On and after the effective  
91 date of this section and prior to October 1, 2010, two persons who are  
92 parties to a civil union entered into pursuant to sections 46b-38aa to  
93 46b-38oo, inclusive, of the general statutes, as amended by this act,  
94 may apply for and be issued a marriage license, provided such persons  
95 are otherwise eligible to marry under section 4 of this act and the  
96 parties to the marriage will be the same as the parties to the civil  
97 union.

98 (b) After the celebration of such marriage and upon the recording of  
99 the license certificate or notarized affidavit with the registrar of vital  
100 statistics of the town where the marriage took place pursuant to

101 section 46b-34 of the general statutes, the civil union of such persons  
102 shall be merged into the marriage by operation of law as of the date of  
103 the marriage stated in the certificate or affidavit.

104 Sec. 12. (NEW) (*Effective from passage*) (a) Two persons who are  
105 parties to a civil union established pursuant to sections 46b-38aa to  
106 46b-38oo, inclusive, of the general statutes, as amended by this act, that  
107 has not been dissolved or annulled by the parties or merged into a  
108 marriage by operation of law under section 11 of this act as of October  
109 1, 2010, shall be deemed to be married under chapter 815e of the  
110 general statutes, as amended by this act, on said date and such civil  
111 union shall be merged into such marriage by operation of law on said  
112 date.

113 (b) Notwithstanding the provisions of subsection (a) of this section,  
114 the parties to a civil union with respect to which a proceeding for  
115 dissolution, annulment or legal separation is pending on October 1,  
116 2010, shall not be deemed to be married on said date and such civil  
117 union shall not be merged into such marriage by operation of law but  
118 shall continue to be governed by the provisions of the general statutes  
119 applicable to civil unions in effect prior to October 1, 2010.

120 Sec. 13. (NEW) (*Effective from passage*) Nothing in section 11, 12 or 18  
121 of this act shall impair or affect any action or proceeding commenced,  
122 or any right or benefit accrued, or responsibility incurred, by a party to  
123 a civil union prior to October 1, 2010.

124 Sec. 14. Section 46a-81a of the general statutes is repealed and the  
125 following is substituted in lieu thereof (*Effective from passage*):

126 For the purposes of sections 4a-60a, 45a-726a and 46a-81b to [46a-  
127 81r] 46a-81q, inclusive, "sexual orientation" means having a preference  
128 for heterosexuality, homosexuality or bisexuality, having a history of  
129 such preference or being identified with such preference, but excludes  
130 any behavior which constitutes a violation of part VI of chapter 952.

131 Sec. 15. Subsection (a) of section 17b-137a of the general statutes is  
132 repealed and the following is substituted in lieu thereof (*Effective*  
133 *October 1, 2010*):

134 (a) The Social Security number of the applicant shall be recorded on  
135 each (1) application for a license, certification or permit to engage in a  
136 profession or occupation regulated pursuant to the provisions of title  
137 19a, 20 or 21; (2) application for a commercial driver's license or  
138 commercial driver's instruction permit completed pursuant to  
139 subsection (a) of section 14-44c; and (3) application for a marriage  
140 license made under section 46b-25. [or for a civil union license under  
141 section 46b-38hh.]

142 Sec. 16. Section 46b-150d of the general statutes is repealed and the  
143 following is substituted in lieu thereof (*Effective October 1, 2010*):

144 An order that a minor is emancipated shall have the following  
145 effects: (1) The minor may consent to medical, dental or psychiatric  
146 care, without parental consent, knowledge or liability; (2) the minor  
147 may enter into a binding contract; (3) the minor may sue and be sued  
148 in such minor's own name; (4) the minor shall be entitled to such  
149 minor's own earnings and shall be free of control by such minor's  
150 parents or guardian; (5) the minor may establish such minor's own  
151 residence; (6) the minor may buy and sell real and personal property;  
152 (7) the minor may not thereafter be the subject of a petition under  
153 section 46b-129 as an abused, dependent, neglected or uncared for  
154 child or youth; (8) the minor may enroll in any school or college,  
155 without parental consent; (9) the minor shall be deemed to be over  
156 eighteen years of age for purposes of securing an operator's license  
157 under section 14-36 and a marriage license under subsection (b) of  
158 section 46b-30; [or a civil union license under section 46b-38jj without  
159 parental consent;] (10) the minor shall be deemed to be over eighteen  
160 years of age for purposes of registering a motor vehicle under section  
161 14-12; (11) the parents of the minor shall no longer be the guardians of  
162 the minor under section 45a-606; (12) the parents of a minor shall be

163 relieved of any obligations respecting such minor's school attendance  
 164 under section 10-184; (13) the parents shall be relieved of all obligation  
 165 to support the minor; (14) the minor shall be emancipated for the  
 166 purposes of parental liability for such minor's acts under section 52-  
 167 572; (15) the minor may execute releases in such minor's own name  
 168 under section 14-118; and (16) the minor may enlist in the armed forces  
 169 of the United States without parental consent.

170       Sec. 17. Section 46a-81r of the general statutes is repealed. (*Effective*  
 171 *from passage*)

172       Sec. 18. Sections 46b-38aa to 46b-38oo, inclusive, of the general  
 173 statutes are repealed. (*Effective October 1, 2010*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	46b-20
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	46b-25
Sec. 6	<i>from passage</i>	46b-21
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>from passage</i>	45a-727a
Sec. 10	<i>from passage</i>	46b-38nn
Sec. 11	<i>from passage</i>	New section
Sec. 12	<i>from passage</i>	New section
Sec. 13	<i>from passage</i>	New section
Sec. 14	<i>from passage</i>	46a-81a
Sec. 15	<i>October 1, 2010</i>	17b-137a(a)
Sec. 16	<i>October 1, 2010</i>	46b-150d
Sec. 17	<i>from passage</i>	Repealer section
Sec. 18	<i>October 1, 2010</i>	Repealer section

**Statement of Purpose:**

To implement the decision of the Connecticut Supreme Court in *Kerrigan v. Commissioner of Public Health*, provide for the

recognition of marriages and relationships providing substantially the same rights, benefits and responsibilities entered into in another state or jurisdiction and provide for the merger of existing civil unions into marriages.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*