



General Assembly

Substitute Bill No. 899

January Session, 2009

* SB00899JUD__033109__ *

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 Section 46b-20 of the general statutes is repealed and the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 Section 46b-25 of the general statutes is repealed and the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 and section 4 of this act. The license shall be
40 completed in its entirety, dated, signed and sworn to by each applicant
41 and shall state each applicant's name, age, race, birthplace, residence,
42 whether single, widowed or divorced and whether under the
43 supervision or control of a conservator or guardian. The Social Security
44 numbers of [the bride and the groom] both persons shall be recorded
45 in the "administrative purposes" section of the license. If the license is
46 signed and sworn to by the applicants on different dates, the earlier

47 date shall be deemed the 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*) (a) 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 (b) No church or qualified church-controlled organization, as
64 defined in 26 USC 3121, shall be required to participate in a ceremony
65 solemnizing a marriage in violation of the religious beliefs of that
66 church or qualified church-controlled organization.

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

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 Section 45a-727a of the general statutes is repealed and the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

73 The General Assembly finds that:

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

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

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

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

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

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

94 Sec. 11. (NEW) (*Effective from passage*) (a) On and after the effective
95 date of this section and prior to October 1, 2010, two persons who are
96 parties to a civil union entered into pursuant to sections 46b-38aa to
97 46b-38oo, inclusive, of the general statutes, as amended by this act,
98 may apply for and be issued a marriage license, provided such persons
99 are otherwise eligible to marry under section 4 of this act and chapter
100 815e of the general statutes and the parties to the marriage will be the
101 same as the parties to the civil union.

102 (b) After the celebration of such marriage and upon the recording of
103 the license certificate or notarized affidavit with the registrar of vital
104 statistics of the town where the marriage took place pursuant to
105 section 46b-34 of the general statutes, the civil union of such persons
106 shall be merged into the marriage by operation of law as of the date of
107 the marriage stated in the certificate or affidavit.

108 Sec. 12. (NEW) (*Effective from passage*) (a) Two persons who are
109 parties to a civil union established pursuant to sections 46b-38aa to
110 46b-38oo, inclusive, of the general statutes, as amended by this act, that
111 has not been dissolved or annulled by the parties or merged into a
112 marriage by operation of law under section 11 of this act as of October
113 1, 2010, shall be deemed to be married under chapter 815e of the
114 general statutes, as amended by this act, on said date and such civil
115 union shall be merged into such marriage by operation of law on said
116 date.

117 (b) Notwithstanding the provisions of subsection (a) of this section,
118 the parties to a civil union with respect to which a proceeding for
119 dissolution, annulment or legal separation is pending on October 1,
120 2010, shall not be deemed to be married on said date and such civil
121 union shall not be merged into such marriage by operation of law but
122 shall continue to be governed by the provisions of the general statutes
123 applicable to civil unions in effect prior to October 1, 2010.

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

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

130 For the purposes of sections 4a-60a, 45a-726a and 46a-81b to [46a-
131 81r] 46a-81q, inclusive, "sexual orientation" means having a preference
132 for heterosexuality, homosexuality or bisexuality, having a history of
133 such preference or being identified with such preference, but excludes
134 any behavior which constitutes a violation of part VI of chapter 952.

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

138 (a) The Social Security number of the applicant shall be recorded on

139 each (1) application for a license, certification or permit to engage in a
140 profession or occupation regulated pursuant to the provisions of title
141 19a, 20 or 21; (2) application for a commercial driver's license or
142 commercial driver's instruction permit completed pursuant to
143 subsection (a) of section 14-44c; and (3) application for a marriage
144 license made under section 46b-25. [or for a civil union license under
145 section 46b-38hh.]

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

148 An order that a minor is emancipated shall have the following
149 effects: (1) The minor may consent to medical, dental or psychiatric
150 care, without parental consent, knowledge or liability; (2) the minor
151 may enter into a binding contract; (3) the minor may sue and be sued
152 in such minor's own name; (4) the minor shall be entitled to such
153 minor's own earnings and shall be free of control by such minor's
154 parents or guardian; (5) the minor may establish such minor's own
155 residence; (6) the minor may buy and sell real and personal property;
156 (7) the minor may not thereafter be the subject of a petition under
157 section 46b-129 as an abused, dependent, neglected or uncared for
158 child or youth; (8) the minor may enroll in any school or college,
159 without parental consent; (9) the minor shall be deemed to be over
160 eighteen years of age for purposes of securing an operator's license
161 under section 14-36 and a marriage license under subsection (b) of
162 section 46b-30; [or a civil union license under section 46b-38jj without
163 parental consent;] (10) the minor shall be deemed to be over eighteen
164 years of age for purposes of registering a motor vehicle under section
165 14-12; (11) the parents of the minor shall no longer be the guardians of
166 the minor under section 45a-606; (12) the parents of a minor shall be
167 relieved of any obligations respecting such minor's school attendance
168 under section 10-184; (13) the parents shall be relieved of all obligation
169 to support the minor; (14) the minor shall be emancipated for the
170 purposes of parental liability for such minor's acts under section 52-
171 572; (15) the minor may execute releases in such minor's own name
172 under section 14-118; and (16) the minor may enlist in the armed forces

173 of the United States without parental consent.

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

176 Sec. 18. Sections 46b-38aa to 46b-38mm, inclusive, section 46b-38nn,
 177 as amended by this act, and section 46b-38oo of the general statutes are
 178 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

JUD *Joint Favorable Subst.*