

HB2841



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2841

by Rep. Anthony DeLuca

SYNOPSIS AS INTRODUCED:

750 ILCS 5/209

from Ch. 40, par. 209

Amends the Illinois Marriage and Dissolution of Marriage Act. Provides that a marriage may be solemnized by a mayor or president of a city, village, or incorporated town who is in office on the date of the solemnization. Effective immediately.

LRB101 08993 LNS 54086 b

A BILL FOR

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Marriage and Dissolution of
5 Marriage Act is amended by changing Section 209 as follows:

6 (750 ILCS 5/209) (from Ch. 40, par. 209)

7 Sec. 209. Solemnization and Registration.

8 (a) A marriage may be solemnized by a judge of a court of
9 record, by a retired judge of a court of record, unless the
10 retired judge was removed from office by the Judicial Inquiry
11 Board, except that a retired judge shall not receive any
12 compensation from the State, a county or any unit of local
13 government in return for the solemnization of a marriage and
14 there shall be no effect upon any pension benefits conferred by
15 the Judges Retirement System of Illinois, by a judge of the
16 Court of Claims, by a county clerk in counties having 2,000,000
17 or more inhabitants, by a public official whose powers include
18 solemnization of marriages, by a mayor or president of a city,
19 village, or incorporated town who is in office on the date of
20 the solemnization, or in accordance with the prescriptions of
21 any religious denomination, Indian Nation or Tribe or Native
22 Group, provided that when such prescriptions require an
23 officiant, the officiant be in good standing with his or her

1 religious denomination, Indian Nation or Tribe or Native Group.
2 Either the person solemnizing the marriage, or, if no
3 individual acting alone solemnized the marriage, both parties
4 to the marriage, shall complete the marriage certificate form
5 and forward it to the county clerk within 10 days after such
6 marriage is solemnized.

7 (a-5) Nothing in this Act shall be construed to require any
8 religious denomination or Indian Nation or Tribe or Native
9 Group, or any minister, clergy, or officiant acting as a
10 representative of a religious denomination or Indian Nation or
11 Tribe or Native Group, to solemnize any marriage. Instead, any
12 religious denomination or Indian Nation or Tribe or Native
13 Group, or any minister, clergy, or officiant acting as a
14 representative of a religious denomination or Indian Nation or
15 Tribe or Native Group is free to choose which marriages it will
16 solemnize. Notwithstanding any other law to the contrary, a
17 refusal by a religious denomination or Indian Nation or Tribe
18 or Native Group, or any minister, clergy, or officiant acting
19 as a representative of a religious denomination or Indian
20 Nation or Tribe or Native Group to solemnize any marriage under
21 this Act shall not create or be the basis for any civil,
22 administrative, or criminal penalty, claim, or cause of action.

23 (a-10) No church, mosque, synagogue, temple,
24 nondenominational ministry, interdenominational or ecumenical
25 organization, mission organization, or other organization
26 whose principal purpose is the study, practice, or advancement

1 of religion is required to provide religious facilities for the
2 solemnization ceremony or celebration associated with the
3 solemnization ceremony of a marriage if the solemnization
4 ceremony or celebration associated with the solemnization
5 ceremony is in violation of its religious beliefs. An entity
6 identified in this subsection (a-10) shall be immune from any
7 civil, administrative, criminal penalty, claim, or cause of
8 action based on its refusal to provide religious facilities for
9 the solemnization ceremony or celebration associated with the
10 solemnization ceremony of a marriage if the solemnization
11 ceremony or celebration associated with the solemnization
12 ceremony is in violation of its religious beliefs. As used in
13 this subsection (a-10), "religious facilities" means
14 sanctuaries, parish halls, fellowship halls, and similar
15 facilities. "Religious facilities" does not include facilities
16 such as businesses, health care facilities, educational
17 facilities, or social service agencies.

18 (b) The solemnization of the marriage is not invalidated:
19 (1) by the fact that the person solemnizing the marriage was
20 not legally qualified to solemnize it, if a reasonable person
21 would believe the person solemnizing the marriage to be so
22 qualified; or (2) by the fact that the marriage was
23 inadvertently solemnized in a county in Illinois other than the
24 county where the license was issued and filed.

25 (c) Any marriage that meets the requirements of this
26 Section shall be presumed valid.

1 (Source: P.A. 98-597, eff. 6-1-14; 99-90, eff. 1-1-16.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.