

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. A mayor or president of a city,
7 village, or incorporated town shall not receive any
8 compensation in return for the solemnization of a marriage.

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

25 (a-10) No church, mosque, synagogue, temple,
26 nondenominational ministry, interdenominational or ecumenical

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

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

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

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

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.