

# HB4111



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4111

Introduced 9/3/2021, by Rep. Jonathan Carroll

### 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 State executive branch constitutional officer who is in office on the date of the solemnization or by a member of the General Assembly who is in office on the date of the solemnization.

LRB102 19105 LNS 27870 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  
15 by the Judges Retirement System of Illinois, by a judge of the  
16 Court of Claims, by a county clerk in counties having  
17 2,000,000 or more inhabitants, by a public official whose  
18 powers include solemnization of marriages, by a mayor or  
19 president of a city, village, or incorporated town who is in  
20 office on the date of the solemnization, by a State executive  
21 branch constitutional officer who is in office on the date of  
22 the solemnization, by a member of the General Assembly who is  
23 in office on the date of the solemnization, or in accordance

1 with the prescriptions of any religious denomination, Indian  
2 Nation or Tribe or Native Group, provided that when such  
3 prescriptions require an officiant, the officiant be in good  
4 standing with his or her religious denomination, Indian Nation  
5 or Tribe or Native Group. Either the person solemnizing the  
6 marriage, or, if no individual acting alone solemnized the  
7 marriage, both parties to the marriage, shall complete the  
8 marriage certificate form and forward it to the county clerk  
9 within 10 days after such marriage is solemnized. A mayor or  
10 president of a city, village, or incorporated town shall not  
11 receive any compensation in return for the solemnization of a  
12 marriage.

13 (a-5) Nothing in this Act shall be construed to require  
14 any 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, to solemnize any marriage. Instead, any  
18 religious denomination or Indian Nation or Tribe or Native  
19 Group, or any minister, clergy, or officiant acting as a  
20 representative of a religious denomination or Indian Nation or  
21 Tribe or Native Group is free to choose which marriages it will  
22 solemnize. Notwithstanding any other law to the contrary, a  
23 refusal by a religious denomination or Indian Nation or Tribe  
24 or Native Group, or any minister, clergy, or officiant acting  
25 as a representative of a religious denomination or Indian  
26 Nation or Tribe or Native Group to solemnize any marriage

1 under this Act shall not create or be the basis for any civil,  
2 administrative, or criminal penalty, claim, or cause of  
3 action.

4 (a-10) No church, mosque, synagogue, temple,  
5 nondenominational ministry, interdenominational or ecumenical  
6 organization, mission organization, or other organization  
7 whose principal purpose is the study, practice, or advancement  
8 of religion is required 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. An entity  
13 identified in this subsection (a-10) shall be immune from any  
14 civil, administrative, criminal penalty, claim, or cause of  
15 action based on its refusal to provide religious facilities  
16 for the solemnization ceremony or celebration associated with  
17 the solemnization ceremony of a marriage if the solemnization  
18 ceremony or celebration associated with the solemnization  
19 ceremony is in violation of its religious beliefs. As used in  
20 this subsection (a-10), "religious facilities" means  
21 sanctuaries, parish halls, fellowship halls, and similar  
22 facilities. "Religious facilities" does not include facilities  
23 such as businesses, health care facilities, educational  
24 facilities, or social service agencies.

25 (b) The solemnization of the marriage is not invalidated:  
26 (1) by the fact that the person solemnizing the marriage was

1 not legally qualified to solemnize it, if a reasonable person  
2 would believe the person solemnizing the marriage to be so  
3 qualified; or (2) by the fact that the marriage was  
4 inadvertently solemnized in a county in Illinois other than  
5 the county where the license was issued and filed.

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

8 (Source: P.A. 101-14, eff. 6-14-19.)