



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB2161

Introduced 2/14/2008, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

750 ILCS 5/207
750 ILCS 5/209

from Ch. 40, par. 207
from Ch. 40, par. 209

Amends the Illinois Marriage and Dissolution of Marriage Act. Provides that an otherwise valid marriage shall not be invalidated because the marriage was inadvertently solemnized in an Illinois county other than the county where the license was issued. Provides that the solemnization of a marriage is not invalidated by the fact that the marriage was solemnized in another county than where the license was issued. Effective January 1, 2009.

LRB095 16297 AJO 42317 b

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 Sections 207 and 209 as
6 follows:

7 (750 ILCS 5/207) (from Ch. 40, par. 207)

8 Sec. 207. Effective Date of License.) A license to marry
9 becomes effective in the county where it was issued one day
10 after the date of issuance, unless the court orders that the
11 license is effective when issued, and expires 60 days after it
12 becomes effective, provided that the marriage is not
13 invalidated by the fact that the marriage was inadvertently
14 solemnized in a county in Illinois other than the county where
15 the license was issued.

16 (Source: P.A. 81-397.)

17 (750 ILCS 5/209) (from Ch. 40, par. 209)

18 Sec. 209. Solemnization and Registration.)

19 (a) A marriage may be solemnized by a judge of a court of
20 record, by a retired judge of a court of record, unless the
21 retired judge was removed from office by the Judicial Inquiry
22 Board, except that a retired judge shall not receive any

1 compensation from the State, a county or any unit of local
2 government in return for the solemnization of a marriage and
3 there shall be no effect upon any pension benefits conferred by
4 the Judges Retirement System of Illinois, by a judge of the
5 Court of Claims, by a county clerk in counties having 2,000,000
6 or more inhabitants, by a public official whose powers include
7 solemnization of marriages, or in accordance with the
8 prescriptions of any religious denomination, Indian Nation or
9 Tribe or Native Group, provided that when such prescriptions
10 require an officiant, the officiant be in good standing with
11 his religious denomination, Indian Nation or Tribe or Native
12 Group. Either the person solemnizing the marriage, or, if no
13 individual acting alone solemnized the marriage, both parties
14 to the marriage, shall complete the marriage certificate form
15 and forward it to the county clerk within 10 days after such
16 marriage is solemnized.

17 (b) The solemnization of the marriage is not invalidated by
18 the fact that the person solemnizing the marriage was not
19 legally qualified to solemnize it, if either party to the
20 marriage believed him to be so qualified or by the fact that
21 the marriage was inadvertently solemnized in a county in
22 Illinois other than the county where the license was issued.

23 (Source: P.A. 87-1261.)

24 Section 99. Effective date. This Act takes effect January
25 1, 2009.