



Sen. John J. Cullerton

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1 AMENDMENT TO HOUSE BILL 3806

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3806, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 1. Short title. This Act may be cited as the  
6 Illinois Religious Freedom Protection and Civil Union Act.

7 Section 5. Purposes; rules of construction. This Act shall  
8 be liberally construed and applied to promote its underlying  
9 purposes, which are to provide adequate procedures for the  
10 certification and registration of a civil union and provide  
11 persons entering into a civil union with the obligations,  
12 responsibilities, protections, and benefits afforded or  
13 recognized by the law of Illinois to spouses.

14 Section 10. Definitions. As used in this Act:

15 "Certificate" means a document that certifies that the

1 persons named on the certificate have established a civil union  
2 in this State in compliance with this Act.

3 "Civil union" means a legal relationship between 2 persons,  
4 of either the same or opposite sex, established pursuant to  
5 this Act.

6 "Department" means the Department of Public Health.

7 "Officiant" means the person authorized to certify a civil  
8 union in accordance with Section 40.

9 "Party to a civil union" means a person who has established  
10 a civil union pursuant to this Act. "Party to a civil union"  
11 means, and shall be included in, any definition or use of the  
12 terms "spouse", "family", "immediate family", "dependent",  
13 "next of kin", and other terms that denote the spousal  
14 relationship, as those terms are used throughout the law.

15 Section 15. Religious freedom. Nothing in this Act shall  
16 interfere with or regulate the religious practice of any  
17 religious body. Any religious body, Indian Nation or Tribe or  
18 Native Group is free to choose whether or not to solemnize or  
19 officiate a civil union.

20 Section 20. Protections, obligations, and  
21 responsibilities. A party to a civil union is entitled to the  
22 same legal obligations, responsibilities, protections, and  
23 benefits as are afforded or recognized by the law of Illinois  
24 to spouses, whether they derive from statute, administrative

1 rule, policy, common law, or any other source of civil or  
2 criminal law.

3 Section 25. Prohibited civil unions. The following civil  
4 unions are prohibited:

5 (1) a civil union entered into prior to both parties  
6 attaining 18 years of age;

7 (2) a civil union entered into prior to the dissolution  
8 of a marriage or civil union or substantially similar legal  
9 relationship of one of the parties;

10 (3) a civil union between an ancestor and a descendent  
11 or between siblings whether the relationship is by the half  
12 or the whole blood or by adoption;

13 (4) a civil union between an aunt or uncle and a niece  
14 or nephew, whether the relationship is by the half or the  
15 whole blood or by adoption; and

16 (5) a civil union between first cousins.

17 Section 30. Application, license, and certification.

18 (a) The Director of Public Health shall prescribe the form  
19 for an application, license, and certificate for a civil union.

20 (b) An application for a civil union shall include the  
21 following information:

22 (1) name, sex, occupation, address, social security  
23 number, date and place of birth of each party to the civil  
24 union;

1           (2) name and address of the parents or guardian of each  
2 party;

3           (3) whether the parties are related to each other and,  
4 if so, their relationship; and

5           (4) in the event either party was previously married or  
6 entered into a civil union or a substantially similar legal  
7 relationship, provide the name, date, place and the court  
8 in which the marriage or civil union or substantially  
9 similar legal relationship was dissolved or declared  
10 invalid or the date and place of death of the former spouse  
11 or of the party to the civil union or substantially similar  
12 legal relationship.

13           (c) When an application has been completed and signed by  
14 both parties, applicable fees have been paid, and both parties  
15 have appeared before the county clerk, the county clerk shall  
16 issue a license and a certificate of civil union upon being  
17 furnished satisfactory proof that the civil union is not  
18 prohibited.

19           (d) A license becomes effective in the county where it was  
20 issued one day after the date of issuance, and expires 60 days  
21 after it becomes effective.

22           (e) The certificate must be completed and returned to the  
23 county clerk that issued the license within 10 days of the  
24 civil union.

25           (f) A copy of the completed certificate from the county  
26 clerk or the return provided to the Department of Public Health

1 by a county clerk shall be presumptive evidence of the civil  
2 union in all courts.

3 Section 35. Duties of the county clerk.

4 (a) Before issuing a civil union license to a person who  
5 resides and intends to continue to reside in another state, the  
6 county clerk shall satisfy himself or herself by requiring  
7 affidavits or otherwise that the person is not prohibited from  
8 entering into a civil union or substantially similar legal  
9 relationship by the laws of the jurisdiction where he or she  
10 resides.

11 (b) Upon receipt of the certificate, the county clerk shall  
12 notify the Department of Public Health within 45 days. The  
13 county clerk shall provide the Department of Public Health with  
14 a return on a form furnished by the Department of Public Health  
15 and shall substantially consist of the following items:

16 (1) a copy of the application signed and attested to by  
17 the applicants, except that in any county in which the  
18 information provided in a civil union application is  
19 entered into a computer, the county clerk may submit a  
20 computer copy of the information without the signatures and  
21 attestations of the applicants;

22 (2) the license number;

23 (3) a copy of the certificate; and

24 (4) the date and location of the civil union.

25 (c) Each month, the county clerk shall report to the

1 Department of Public Health the total number of civil union  
2 applications, licenses, and certificates filed during the  
3 month.

4 (d) Any official issuing a license with knowledge that the  
5 parties are thus prohibited from entering into a civil union  
6 shall be guilty of a petty offense.

7 Section 40. Certification. A civil union may be certified:  
8 by a judge of a court of record; by a retired judge of a court  
9 of record, unless the retired judge was removed from office by  
10 the Judicial Inquiry Board, except that a retired judge shall  
11 not receive any compensation from the State, a county, or any  
12 unit of local government in return for the solemnization of a  
13 civil union and there shall be no effect upon any pension  
14 benefits conferred by the Judges Retirement System of Illinois;  
15 by a judge of the Court of Claims; by a county clerk in  
16 counties having 2,000,000 or more inhabitants; by a public  
17 official whose powers include solemnization of marriages; or in  
18 accordance with the prescriptions of any religious  
19 denomination, Indian Nation or Tribe or Native Group, provided  
20 that when such prescriptions require an officiant, the  
21 officiant be in good standing with his or her religious  
22 denomination, Indian Nation or Tribe or Native Group. The  
23 person performing a civil union shall complete the certificate  
24 and forward it to the county clerk within 10 days after a civil  
25 union.

1           Section 45. Dissolution; declaration of invalidity. Any  
2 person who enters into a civil union in Illinois consents to  
3 the jurisdiction of the courts of Illinois for the purpose of  
4 any action relating to a civil union even if one or both  
5 parties cease to reside in this State. A court shall enter a  
6 judgment of dissolution of a civil union if at the time the  
7 action is commenced it meets the grounds for dissolution set  
8 forth in Section 401 of the Illinois Marriage and Dissolution  
9 of Marriage Act. The provisions of Sections 401 through 413 of  
10 the Illinois Marriage and Dissolution of Marriage Act shall  
11 apply to a dissolution of a civil union. The provisions of  
12 Sections 301 through 306 of the Illinois Marriage and  
13 Dissolution of Marriage Act shall apply to the declaration of  
14 invalidity of a civil union.

15           Section 50. Application of the Civil Practice Law. The  
16 provisions of the Civil Practice Law shall apply to all  
17 proceedings under this Act, except as otherwise provided in  
18 this Act. A proceeding for dissolution of a civil union or  
19 declaration of invalidity of a civil union shall be entitled  
20 "In re the Civil Union of ... and ...". The initial pleading in  
21 all proceedings under this Act shall be denominated a petition.  
22 A responsive pleading shall be denominated a response. All  
23 other pleadings under this Act shall be denominated as provided  
24 in the Civil Practice Law.

1           Section 55. Venue. The proceedings shall be had in the  
2 county where the petitioner or respondent resides or where the  
3 parties' certificate of civil union was issued, except as  
4 otherwise provided herein, but process may be directed to any  
5 county in the State. Objection to venue is barred if not made  
6 within such time as the respondent's response is due. In no  
7 event shall venue be deemed jurisdictional.

8           Section 60. Reciprocity. A marriage between persons of the  
9 same sex, a civil union, or a substantially similar legal  
10 relationship other than common law marriage, legally entered  
11 into in another jurisdiction, shall be recognized in Illinois  
12 as a civil union.

13           Section 90. Severability. If any part of this Act or its  
14 application to any person or circumstance is adjudged invalid,  
15 the adjudication or application shall not affect the validity  
16 of this Act as a whole or of any other part."