



Youth and Family Committee

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1 AMENDMENT TO SENATE BILL 1716

2 AMENDMENT NO. _____. Amend Senate Bill 1716 by replacing
3 everything after the enacting clause with the following:

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

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

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

14 "Certificate" means a document that certifies that the
15 persons named on the certificate have established a civil union

1 in this State in compliance with this Act.

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

5 "Department" means the Department of Public Health.

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

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

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

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

1 criminal law.

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

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

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

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

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

15 (5) a civil union between first cousins.

16 Section 30. Application, license, and certification.

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

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

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

24 (2) name and address of the parents or guardian of each

1 party;

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

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

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

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

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

24 (f) A copy of the completed certificate from the county
25 clerk or the return provided to the Department of Public Health
26 by a county clerk shall be presumptive evidence of the civil

1 union in all courts.

2 Section 35. Duties of the county clerk.

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

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

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

21 (2) the license number;

22 (3) a copy of the certificate; and

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

24 (c) Each month, the county clerk shall report to the
25 Department of Public Health the total number of civil union

1 applications, licenses, and certificates filed during the
2 month.

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

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