



Sen. John J. Cullerton

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LRB099 03393 HEP 48780 a

1 AMENDMENT TO SENATE BILL 166

2 AMENDMENT NO. _____. Amend Senate Bill 166 by replacing
3 everything after the enacting clause with the following:

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

1 or more inhabitants, by a public official whose powers include
2 solemnization of marriages, by a certified marriage celebrant,
3 or in accordance with the prescriptions of any religious
4 denomination, Indian Nation or Tribe or Native Group, provided
5 that when such prescriptions require an officiant, the
6 officiant be in good standing with his or her religious
7 denomination, Indian Nation or Tribe or Native Group. Either
8 the person solemnizing the marriage, or, if no individual
9 acting alone solemnized the marriage, both parties to the
10 marriage, shall complete the marriage certificate form and
11 forward it to the county clerk within 10 days after such
12 marriage is solemnized.

13 As used in this subsection (a):

14 "Certified marriage celebrant" means a celebrant or
15 officiant of any life stance organization who is authorized by
16 the organization to solemnize marriages.

17 "Life stance organization" means a group: that is
18 recognized as a nonprofit organization by the Internal Revenue
19 Service; whose members are committed to the promotion of a life
20 stance based upon comprehensive values, beliefs, and
21 practices; and that is not affiliated with or controlled by any
22 religious institution or religious authority.

23 (a-5) Nothing in this Act shall be construed to require any
24 religious denomination or Indian Nation or Tribe or Native
25 Group, or any minister, clergy, or officiant acting as a
26 representative of a religious denomination or Indian Nation or

1 Tribe or Native Group, to solemnize any marriage. Instead, any
2 religious denomination or Indian Nation or Tribe or Native
3 Group, or any minister, clergy, or officiant acting as a
4 representative of a religious denomination or Indian Nation or
5 Tribe or Native Group is free to choose which marriages it will
6 solemnize. Notwithstanding any other law to the contrary, a
7 refusal by a religious denomination or Indian Nation or Tribe
8 or Native Group, or any minister, clergy, or officiant acting
9 as a representative of a religious denomination or Indian
10 Nation or Tribe or Native Group to solemnize any marriage under
11 this Act shall not create or be the basis for any civil,
12 administrative, or criminal penalty, claim, or cause of action.

13 (a-10) No church, mosque, synagogue, temple,
14 nondenominational ministry, interdenominational or ecumenical
15 organization, mission organization, or other organization
16 whose principal purpose is the study, practice, or advancement
17 of religion is required to provide religious facilities for the
18 solemnization ceremony or celebration associated with the
19 solemnization ceremony of a marriage if the solemnization
20 ceremony or celebration associated with the solemnization
21 ceremony is in violation of its religious beliefs. An entity
22 identified in this subsection (a-10) shall be immune from any
23 civil, administrative, criminal penalty, claim, or cause of
24 action based on its refusal to provide religious facilities for
25 the solemnization ceremony or celebration associated with the
26 solemnization ceremony of a marriage if the solemnization

1 ceremony or celebration associated with the solemnization
2 ceremony is in violation of its religious beliefs. As used in
3 this subsection (a-10), "religious facilities" means
4 sanctuaries, parish halls, fellowship halls, and similar
5 facilities. "Religious facilities" does not include facilities
6 such as businesses, health care facilities, educational
7 facilities, or social service agencies.

8 (b) The solemnization of the marriage is not invalidated:
9 (1) by the fact that the person solemnizing the marriage was
10 not legally qualified to solemnize it, if a reasonable person
11 would believe the person solemnizing the marriage to be so
12 qualified; or (2) by the fact that the marriage was
13 inadvertently solemnized in a county in Illinois other than the
14 county where the license was issued and filed.

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

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