



Sen. John J. Cullerton

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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 (a-15) Nothing in this Act shall be construed to require a  
9 certified marriage celebrant to solemnize any marriage.  
10 Instead, any life stance organization or certified marriage  
11 celebrant is free to choose which marriages the life stance  
12 organization or certified marriage celebrant will solemnize.  
13 Notwithstanding any other law to the contrary, a refusal by a  
14 life stance organization or certified marriage celebrant to  
15 solemnize any marriage under this Act shall not create or be  
16 the basis for any civil, administrative, or criminal penalty,  
17 claim, or cause of action. No life stance organization is  
18 required to provide facilities for the solemnization ceremony  
19 or celebration associated with the solemnization ceremony of a  
20 marriage if the solemnization ceremony or celebration  
21 associated with the solemnization ceremony is in violation of  
22 the life stance organization's beliefs. An entity identified in  
23 this subsection (a-15) shall be immune from any civil,  
24 administrative, criminal penalty, claim, or cause of action  
25 based on its refusal to provide facilities for the  
26 solemnization ceremony or celebration associated with the

1 solemnization ceremony of a marriage if the solemnization  
2 ceremony or celebration associated with the solemnization  
3 ceremony is in violation of its beliefs. As used in this  
4 subsection (a-15), "facilities" means facilities designed and  
5 used for gatherings of members of the life stance organization.  
6 "Facilities" does not include facilities such as businesses,  
7 health care facilities, educational facilities, or social  
8 service agencies.

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

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

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

19 Section 10. The Illinois Religious Freedom Protection and  
20 Civil Union Act is amended by changing Sections 15 and 40 as  
21 follows:

22 (750 ILCS 75/15)

23 Sec. 15. Religious freedom. Nothing in this Act shall  
24 interfere with or regulate the religious practice of any

1 religious body or life stance organization. Any religious body,  
2 Indian Nation or Tribe or Native Group, or life stance  
3 organization is free to choose whether or not to solemnize or  
4 officiate a civil union.

5 As used in this Section, "life stance organization" has the  
6 meaning provided in Section 209 of the Illinois Marriage and  
7 Dissolution of Marriage Act.

8 (Source: P.A. 96-1513, eff. 6-1-11.)

9 (750 ILCS 75/40)

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

1 certified marriage celebrant, as that term is defined in  
2 Section 209 of the Illinois Marriage and Dissolution of  
3 Marriage Act. The person performing a civil union shall  
4 complete the certificate and forward it to the county clerk  
5 within 10 days after a civil union.  
6 (Source: P.A. 96-1513, eff. 6-1-11.)".