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ASSEMBLY, No. 4366

STATE OF NEW JERSEY

214th LEGISLATURE

INTRODUCED NOVEMBER 28, 2011

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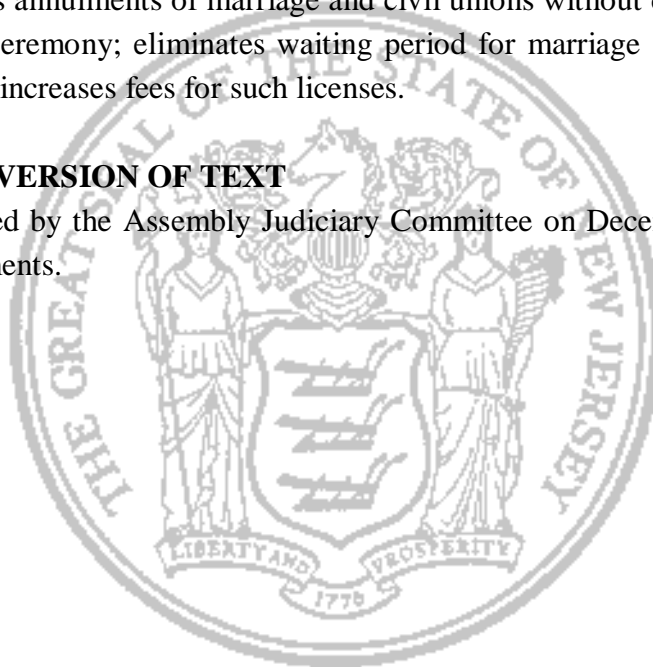
Senator Scutari

SYNOPSIS

Authorizes annulments of marriage and civil unions without cause within 30 days of the ceremony; eliminates waiting period for marriage and civil union licenses; and increases fees for such licenses.

CURRENT VERSION OF TEXT

As reported by the Assembly Judiciary Committee on December 12, 2011, with amendments.



(Sponsorship Updated As Of: 1/10/2012)

1 AN ACT concerning marriage and civil union licenses, and
2 annulments, and revising various parts of the statutory law.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. R.S.37:1-3 is amended to read as follows:

8 37:1-3. Where marriage or civil union license to be obtained.

9 The marriage or civil union license shall be issued by the
10 licensing officer in the municipality in which either party resides
11 or~~[, if]~~ in the municipality in which the proposed marriage or civil
12 union is to be performed. If neither party is a resident of the State,
13 the marriage or civil union license shall be issued by the licensing
14 officer in the municipality in which the proposed marriage or civil
15 union is to be performed.

16 (cf: P.L.2006, c.103, s.8)

17

18 2. R.S.37:1-4 is amended as follows:

19 37:1-4. Issuance of marriage or civil union license,
20 **[emergencies,]** validity.

21 Except as provided in R.S.37:1-6, the marriage or civil union
22 license shall **[not be issued by a licensing officer sooner than 72**
23 **hours after the application therefor has been made; provided,**
24 **however, that the Superior Court may, by order, waive all or any**
25 **part of said 72-hour period in cases of emergency, upon satisfactory**
26 **proof being shown to it. Said order shall be filed with the licensing**
27 **officer and attached to the application for the license]** be issued by
28 a licensing officer at the time the application is made.

29 A marriage or civil union license, when properly issued as
30 provided in this article, shall be good and valid only for 30 days
31 after the date of the issuance thereof.

32 (cf: P.L.2006, c.103, s.9)

33

34 3. R.S.37:1-12 is amended to read as follows:

35 37:1-12. Fees; disposition in cities of first class.

36 For issuing a marriage or civil union license, the licensing officer
37 shall **[be entitled to receive from the applicants the sum of three**
38 **dollars (\$3.00)]** collect a fee of \$30 from the applicants. The
39 licensing officer shall be entitled to receive \$8 of this sum and the
40 remainder of the monies collected shall be allocated to the General
41 Fund of the State.

42 (cf: P.L.2006, c.103, s.14)

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AJU committee amendments adopted December 12, 2011.

1 4. Section 1 of P.L.1981, c.382 (C.37:1-12.1) is amended as
2 follows:

3 1. In addition to the fee for issuing a marriage or civil union
4 license authorized pursuant to R.S.37:1-12, each licensing officer
5 shall collect a fee of ~~【\$25】~~ \$30 from the marriage license or civil
6 union license applicants which shall be forwarded on a quarterly
7 basis to the Department of Human Services.
8 (cf: P.L.2006, c.103, s.15)

9
10 5. N.J.S.2A:34-1 is amended to read as follows:

11 2A:34-1. Causes for judgments of nullity.

12 (1) Judgments of nullity of marriage may be rendered in all
13 cases, when:

14 a. Either of the parties has another wife, husband, partner in a
15 civil union couple or domestic partner living at the time of a second
16 or other marriage.

17 b. The parties are within the degrees prohibited by law. If any
18 such marriage shall not have been annulled during the lifetime of
19 the parties the validity thereof shall not be inquired into after the
20 death of either party.

21 c. The parties, or either of them, were at the time of marriage
22 physically and incurably impotent, provided the party making the
23 application shall have been ignorant of such impotency or
24 incapability at the time of the marriage, and has not subsequently
25 ratified the marriage.

26 d. The parties, or either of them, lacked capacity to marry due
27 to want of understanding because of mental condition, or the
28 influence of intoxicants, drugs, or similar agents; or where there
29 was a lack of mutual assent to the marital relationship; duress; or
30 fraud as to the essentials of marriage; and has not subsequently
31 ratified the marriage.

32 e. The demand for such a judgment is by the wife or husband
33 who was under the age of 18 years at the time of the marriage,
34 unless such marriage be confirmed by her or him after arriving at
35 such age.

36 f. Allowable under the general equity jurisdiction of the
37 Superior Court.

38 g. Either party demands such a judgment and less than 30 days
39 have passed from the date of the marriage ceremony.

40 (2) Judgments of nullity of a civil union may be rendered in all
41 cases, when:

42 a. Either of the parties has another wife, husband, partner in a
43 civil union couple or domestic partner living at the time of
44 establishing the new civil union.

45 b. The parties are within the degrees prohibited by the law
46 from entering into a marriage or establishing a civil union or
47 domestic partnership. If any such civil union shall not have been

1 annulled during the lifetime of the parties the validity thereof shall
2 not be inquired into after the death of either party.

3 c. The parties, or either of them, lacked capacity to enter into a
4 civil union due to want of understanding because of mental
5 condition, or the influence of intoxicants, drugs, or similar agents;
6 or where there was a lack of mutual assent to the civil union;
7 duress; or fraud as to the essentials of a civil union; and has not
8 subsequently ratified the civil union.

9 d. The demand for such a judgment is by the party who was
10 under the age of 18 years at the time of the civil union, unless such
11 civil union be confirmed by him after arriving at such age.

12 e. Allowable under the general equity jurisdiction of the
13 Superior Court.

14 f. Either party demands such a judgment and less than 30 days
15 have passed from the date of the '[marriage] civil union'
16 ceremony.

17 (cf: P.L.2006, c.103, s.63)

18

19 6. This act shall take effect immediately.