

[First Reprint]

# ASSEMBLY, No. 4366

---

# STATE OF NEW JERSEY

## 214th LEGISLATURE

---

INTRODUCED NOVEMBER 28, 2011

**Sponsored by:**

**Assemblyman LOUIS D. GREENWALD**

**District 6 (Camden)**

**Assemblyman RALPH R. CAPUTO**

**District 28 (Essex)**

**Assemblywoman ANNETTE QUIJANO**

**District 20 (Union)**

**Assemblyman JOHN J. BURZICHELLI**

**District 3 (Salem, Cumberland and Gloucester)**

**Co-Sponsored by:**

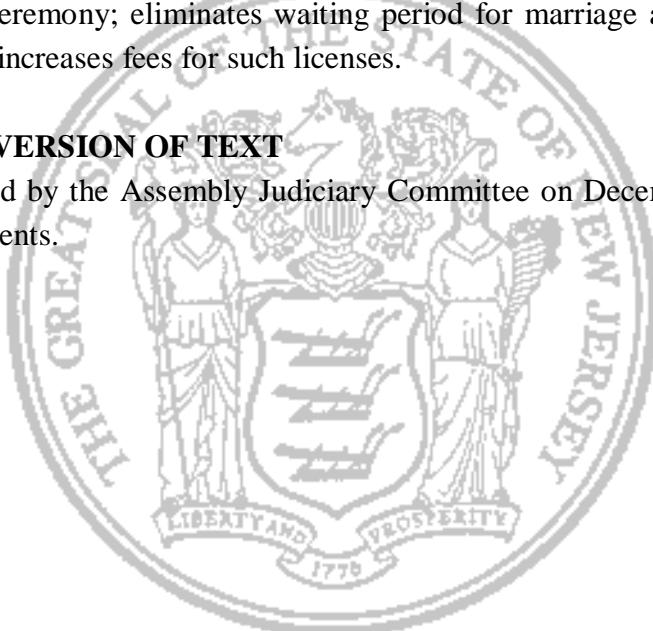
**Senator Scutari**

### **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:

<sup>1</sup>Assembly 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.