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

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

1. R.S.37:1-3 is amended to read as follows:
   37:1-3. Where marriage or civil union license to be obtained. The marriage or civil union license shall be issued by the licensing officer in the municipality in which either party resides or, if in the municipality in which the proposed marriage or civil union is to be performed. If neither party is a resident of the State, the marriage or civil union license shall be issued by the licensing officer in the municipality in which the proposed marriage or civil union is to be performed.
   (cf: P.L.2006, c.103, s.8)

2. R.S.37:1-4 is amended as follows:
   37:1-4. Issuance of marriage or civil union license, emergencies, validity. Except as provided in R.S.37:1-6, the marriage or civil union license shall not be issued by a licensing officer sooner than 72 hours after the application therefor has been made; provided, however, that the Superior Court may, by order, waive all or any part of said 72-hour period in cases of emergency, upon satisfactory proof being shown to it. Said order shall be filed with the licensing officer and attached to the application for the license be issued by a licensing officer at the time the application is made.
   A marriage or civil union license, when properly issued as provided in this article, shall be good and valid only for 30 days after the date of the issuance thereof.
   (cf: P.L.2006, c.103, s.9)

3. R.S.37:1-12 is amended to read as follows:
   37:1-12. Fees; disposition in cities of first class. For issuing a marriage or civil union license, the licensing officer shall be entitled to receive from the applicants the sum of three dollars ($3.00) collect a fee of $30 from the applicants. The licensing officer shall be entitled to receive $8 of this sum and the remainder of the monies collected shall be allocated to the General Fund of the State.
   (cf: P.L.2006, c.103, s.14)
4. Section 1 of P.L.1981, c.382 (C.37:1-12.1) is amended as follows:
   1. In addition to the fee for issuing a marriage or civil union license authorized pursuant to R.S.37:1-12, each licensing officer shall collect a fee of $30 from the marriage license or civil union license applicants which shall be forwarded on a quarterly basis to the Department of Human Services.
   (cf: P.L.2006, c.103, s.15)

5. N.J.S.2A:34-1 is amended to read as follows:
   (1) Judgments of nullity of marriage may be rendered in all cases, when:
      a. Either of the parties has another wife, husband, partner in a civil union couple or domestic partner living at the time of a second or other marriage.
      b. The parties are within the degrees prohibited by law. If any such marriage shall not have been annulled during the lifetime of the parties the validity thereof shall not be inquired into after the death of either party.
      c. The parties, or either of them, were at the time of marriage physically and incurably impotent, provided the party making the application shall have been ignorant of such impotency or incapability at the time of the marriage, and has not subsequently ratified the marriage.
      d. The parties, or either of them, lacked capacity to marry due to want of understanding because of mental condition, or the influence of intoxicants, drugs, or similar agents; or where there was a lack of mutual assent to the marital relationship; duress; or fraud as to the essentials of marriage; and has not subsequently ratified the marriage.
      e. The demand for such a judgment is by the wife or husband who was under the age of 18 years at the time of the marriage, unless such marriage be confirmed by her or him after arriving at such age.
      f. Allowable under the general equity jurisdiction of the Superior Court.
      g. Either party demands such a judgment and less than 30 days have passed from the date of the marriage ceremony.
   (2) Judgments of nullity of a civil union may be rendered in all cases, when:
      a. Either of the parties has another wife, husband, partner in a civil union couple or domestic partner living at the time of establishing the new civil union.
      b. The parties are within the degrees prohibited by the law from entering into a marriage or establishing a civil union or domestic partnership. If any such civil union shall not have been
annulled during the lifetime of the parties the validity thereof shall not be inquired into after the death of either party.

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

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

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

f. Either party demands such a judgment and less than 30 days have passed from the date of the civil union ceremony.

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

6. This act shall take effect immediately.