

2009 -- H 5744

LC00767

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2009

A N A C T

RELATING TO DOMESTIC RELATIONS -- PERSONS ELIGIBLE TO MARRY

Introduced By: Representatives Handy, Fox, Ajello, Ferri, and M Rice

Date Introduced: February 26, 2009

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 15-1-1, 15-1-2, 15-1-3 and 15-1-4 of the General Laws in Chapter
2 15-1 entitled "Persons Eligible to Marry" are hereby amended to read as follows:

3 ~~15-1-1. Men forbidden to marry kindred.~~ -- **Equal access to marriage.** -- ~~No man~~
4 ~~shall marry his mother, grandmother, daughter, son's daughter, daughter's daughter, stepmother,~~
5 ~~grandfather's wife, son's wife, son's son's wife, daughter's son's wife, wife's mother, wife's~~
6 ~~grandmother, wife's daughter, wife's son's daughter, wife's daughter's daughter, sister, brother's~~
7 ~~daughter, sister's daughter, father's sister, or mother's sister.~~ Any person who otherwise meets the
8 eligibility requirements of chapters 15-1 and 15-2 may marry any other eligible person regardless
9 of gender.

10 ~~15-1-2. Women forbidden to marry kindred.~~ -- **Marrying kindred forbidden.** -- ~~No~~
11 ~~woman shall marry her father, grandfather, son, son's son, daughter's son, stepfather,~~
12 ~~grandmother's husband, daughter's husband, son's daughter's husband, daughter's daughter's~~
13 ~~husband, husband's father, husband's grandfather, husband's son, husband's son's son, husband's~~
14 ~~daughter's son, brother, brother's son, sister's son, father's brother, or mother's brother.~~ No person
15 shall marry his or her parent, grandparent, child, grandchild, stepparent, grandparent's spouse,
16 child's spouse, grandchild's spouse, spouse's parent, spouse's grandparent, spouse's child, spouse's
17 grandchild, sibling, sibling's child or parent's sibling.

18 **15-1-3. Incestuous marriages void.** -- If any ~~man or woman~~ person intermarries within
19 the degrees stated in ~~section 15-1-1 or~~ section 15-1-2, the marriage shall be null and void.

1 **15-1-4. Marriages of kindred allowed by Jewish religion.** -- The provisions of sections
2 ~~15-1-1—15-1-3~~ 15-1-2 and 15-1-3 shall not extend to, or in any way affect, any marriage which
3 shall be solemnized among the Jewish people, within the degrees of affinity or consanguinity
4 allowed by their religion.

5 SECTION 2. Section 15-2-1 of the General Laws in Chapter 15-2 entitled "Marriage
6 Licenses" is hereby amended to read as follows:

7 **15-2-1. License required --- Proof of divorce.** -- **Civil marriage – License required –**
8 **Proof of Divorce.** -- (a) Civil marriage is a legal institution recognized by the state in order to
9 promote stable relationships and to protect individuals who are in those relationships. The
10 institution of marriage also provides important protections for those who are married and their
11 families, including not only any children or other dependents they may have, but also members of
12 their extended families.

13 ~~(a)~~ (b) Persons intending to be joined together in civil marriage in this state must first
14 obtain a license from the clerk of the town or city in which;

15 (1) ~~The female~~ Either party to the proposed marriage resides; or in the city or town in
16 which

17 ~~(2) The male party resides, if the female party is a nonresident of this state; or in the city~~
18 ~~or town in which~~

19 ~~(3)~~ (2) The proposed marriage is to be performed, if both parties are nonresidents of this
20 state.

21 ~~(b)~~ (c) Before any license shall be issued to any person who, having been previously
22 married, has been divorced, the person shall present to the town or city clerk an authenticated
23 copy of the decree granting the divorce.

24 SECTION 3. Chapter 15-3 of the General Laws entitled "Solemnization of Marriages" is
25 hereby amended by adding thereto the following section:

26 **15-3-5.1. Protection of freedom of religion in marriage.** – (a) Consistent with the
27 guarantees of freedom of religion set forth by both the First Amendment to the United States
28 Constitution and Article I, Section 3 of the Rhode Island Constitution, each religious institution
29 has exclusive control over its own religious doctrine, policy, and teachings regarding who may
30 marry within their faith, and on what terms. No court or other state or local governmental body,
31 entity, agency or commission shall compel, prevent, or interfere in any way with any religious
32 institution's decisions about marriage eligibility within that particular faith's tradition.

33 (b) Consistent with the guarantees of freedom of religion set forth by both the First
34 Amendment to the United States Constitution and Article I, Section 3 of the Rhode Island

1 Constitution, ordained clergy, ministers or elders as described and authorized in sections 15-3-5
2 and 15-3-6 of the general laws to officiate at a civil marriage shall not be obligated or otherwise
3 required by law to officiate at any particular civil marriage or religious rite of marriage.

4 SECTION 4. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would broaden the definition of persons eligible to marry to include persons of
2 the same gender. This act would also provide that members of the clergy would not be required to
3 officiate at any particular marriage.

4 This act would take effect upon passage.

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