

Introduced by Senator Leno

February 18, 2011

An act relating to family law.

LEGISLATIVE COUNSEL'S DIGEST

SB 651, as introduced, Leno. Family law.

Existing law regulates and establishes requirements for couples to enter into a marriage or domestic partnership. Existing case law recognizes that while, effective November 5, 2008, same-sex couples lack the right to enter into a relationship designated "marriage," they possess the right to the core set of basic substantive legal rights and attributes traditionally associated with marriage, including, the opportunity of an individual to establish an officially recognized and protected family possessing mutual rights and responsibilities and entitled to the same respect and dignity accorded a union traditionally designated as marriage.

This bill would declare the intent of the Legislature to enact legislation that would eliminate statutory differences between marriage and domestic partnerships to implement the holding of a specified California Supreme Court case, which made a narrow distinction between marriage and domestic partnerships based on the use of the term "marriage" only.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. It is the intent of the Legislature to enact
- 2 legislation to eliminate statutory differences between marriage and
- 3 domestic partnerships to implement the holding of the California

- 1 Supreme Court in *Strauss v. Horton* (2009) 46 Cal.4th 364, which
- 2 made a narrow distinction between marriage and domestic
- 3 partnerships based on the use of the term “marriage” only.