

AMENDED IN ASSEMBLY JUNE 13, 2012

AMENDED IN SENATE APRIL 23, 2012

AMENDED IN SENATE APRIL 9, 2012

SENATE BILL

No. 1140

Introduced by Senator Leno
(Coauthor: Senator Rubio)

February 21, 2012

An act to amend Section 400 of the Family Code, relating to marriage.

LEGISLATIVE COUNSEL'S DIGEST

SB 1140, as amended, Leno. Marriage.

Existing law enumerates persons who are authorized to solemnize a marriage, including any priest, minister, rabbi, or authorized person of any religious denomination.

This bill would provide that marriage is a personal relation arising out of a civil, and not religious, contract. The bill would also specify that a priest, minister, rabbi, or authorized person of any religious denomination shall not be required to solemnize a marriage that is contrary to the tenets of his or her faith. The bill would state that any refusal to solemnize a marriage *by an individual or by a religious denomination* under this provision shall not affect the tax exempt status of any entity.

~~This bill would make technical, nonsubstantive changes to this provision.~~

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. Section 400 of the Family Code is amended to
 2 read:
 3 400. Although marriage is a personal relation arising out of a
 4 civil, and not a religious, contract, a marriage may be solemnized
 5 by any of the following who is 18 years of age or older:
 6 (a) A priest, minister, rabbi, or authorized person of any religious
 7 denomination. A person authorized by this subdivision shall not
 8 be required to solemnize a marriage that is contrary to the tenets
 9 of his or her faith. Any refusal to solemnize a marriage under this
 10 subdivision, *either by an individual or by a religious denomination*,
 11 shall not affect the tax-exempt status of any entity.
 12 (b) A judge or retired judge, commissioner of civil marriages
 13 or retired commissioner of civil marriages, commissioner or retired
 14 commissioner, or assistant commissioner of a court of record in
 15 this state.
 16 (c) A judge or magistrate who has resigned from office.
 17 (d) Any of the following judges or magistrates of the United
 18 States:
 19 (1) A justice or retired justice of the United States Supreme
 20 Court.
 21 (2) A judge or retired judge of a court of appeals, a district court,
 22 or a court created by an act of Congress the judges of which are
 23 entitled to hold office during good behavior.
 24 (3) A judge or retired judge of a bankruptcy court or a tax court.
 25 (4) A United States magistrate or retired magistrate.
 26 (e) A legislator or constitutional officer of this state or a Member
 27 of Congress who represents a district within this state, while that
 28 person holds office.

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