

Senate Bill No. 1140

CHAPTER 834

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

[Approved by Governor September 30, 2012. Filed with
Secretary of State September 30, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1140, 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.

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

SECTION 1. Section 400 of the Family Code is amended to read:

400. Although marriage is a personal relation arising out of a civil, and not a religious, contract, a marriage may be solemnized by any of the following who is 18 years of age or older:

(a) A priest, minister, rabbi, or authorized person of any religious denomination. A person authorized by this subdivision shall not be required to solemnize a marriage that is contrary to the tenets of his or her faith. Any refusal to solemnize a marriage under this subdivision, either by an individual or by a religious denomination, shall not affect the tax-exempt status of any entity.

(b) A judge or retired judge, commissioner of civil marriages or retired commissioner of civil marriages, commissioner or retired commissioner, or assistant commissioner of a court of record in this state.

(c) A judge or magistrate who has resigned from office.

(d) Any of the following judges or magistrates of the United States:

(1) A justice or retired justice of the United States Supreme Court.

(2) A judge or retired judge of a court of appeals, a district court, or a court created by an act of Congress the judges of which are entitled to hold office during good behavior.

(3) A judge or retired judge of a bankruptcy court or a tax court.

- (4) A United States magistrate or retired magistrate.
- (e) A legislator or constitutional officer of this state or a Member of Congress who represents a district within this state, while that person holds office.