

AMENDED IN ASSEMBLY APRIL 23, 2015

AMENDED IN ASSEMBLY APRIL 16, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 445

Introduced by Assembly Member Alejo

February 23, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

AB 445, as amended, Alejo. 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 add a tribal court judge who has been authorized by tribal ordinance to solemnize marriages.

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-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

1 of his or her faith. Any refusal to solemnize a marriage under this
2 subdivision, either by an individual or by a religious denomination,
3 shall not affect the tax-exempt status of any entity.

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

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

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

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

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

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

17 (4) A United States magistrate or retired magistrate.

18 (e) A legislator or constitutional officer of this state or a Member
19 of Congress who represents a district within this state, while that
20 person holds office.

21 (f) A tribal court judge ~~who~~ *that* has been authorized by tribal
22 ordinance to solemnize marriages.