



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4263

by Rep. Josh Harms

SYNOPSIS AS INTRODUCED:

750 ILCS 5/209

from Ch. 40, par. 209

If and only if Senate Bill 10 of the 98th General Assembly becomes law, amends the Illinois Marriage and Dissolution of Marriage Act. Provides that no religious organization, including a school, is required to provide religious facilities for a marriage solemnization ceremony or celebration associated with the solemnization if the solemnization ceremony or celebration associated with the solemnization ceremony is in violation of its religious beliefs. Provides that "religious facilities" include places of worship and school buildings but does not include nonsectarian educational facilities. Effective immediately.

LRB098 14997 HEP 49953 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. If and only if Senate Bill 10 of the 98th
5 General Assembly becomes law, then the Illinois Marriage and
6 Dissolution of Marriage Act is amended by changing Section 209
7 as follows:

8 (750 ILCS 5/209) (from Ch. 40, par. 209)

9 Sec. 209. Solemnization and Registration.)

10 (a) A marriage may be solemnized by a judge of a court of
11 record, by a retired judge of a court of record, unless the
12 retired judge was removed from office by the Judicial Inquiry
13 Board, except that a retired judge shall not receive any
14 compensation from the State, a county or any unit of local
15 government in return for the solemnization of a marriage and
16 there shall be no effect upon any pension benefits conferred by
17 the Judges Retirement System of Illinois, by a judge of the
18 Court of Claims, by a county clerk in counties having 2,000,000
19 or more inhabitants, by a public official whose powers include
20 solemnization of marriages, or in accordance with the
21 prescriptions of any religious denomination, Indian Nation or
22 Tribe or Native Group, provided that when such prescriptions
23 require an officiant, the officiant be in good standing with

1 his or her religious denomination, Indian Nation or Tribe or
2 Native Group. Either the person solemnizing the marriage, or,
3 if no individual acting alone solemnized the marriage, both
4 parties to the marriage, shall complete the marriage
5 certificate form and forward it to the county clerk within 10
6 days after such marriage is solemnized.

7 (a-5) Nothing in this Act shall be construed to require any
8 religious denomination or Indian Nation or Tribe or Native
9 Group, or any minister, clergy, or officiant acting as a
10 representative of a religious denomination or Indian Nation or
11 Tribe or Native Group, to solemnize any marriage. Instead, any
12 religious denomination or Indian Nation or Tribe or Native
13 Group, or any minister, clergy, or officiant acting as a
14 representative of a religious denomination or Indian Nation or
15 Tribe or Native Group is free to choose which marriages it will
16 solemnize. Notwithstanding any other law to the contrary, a
17 refusal by a religious denomination or Indian Nation or Tribe
18 or Native Group, or any minister, clergy, or officiant acting
19 as a representative of a religious denomination or Indian
20 Nation or Tribe or Native Group to solemnize any marriage under
21 this Act shall not create or be the basis for any civil,
22 administrative, or criminal penalty, claim, or cause of action.

23 (a-10) No church, mosque, synagogue, temple,
24 nondenominational ministry, interdenominational or ecumenical
25 organization, mission organization, school, or other
26 organization whose principal purpose is the study, practice, or

1 advancement of religion is required to provide religious
2 facilities for the solemnization ceremony or celebration
3 associated with the solemnization ceremony of a marriage if the
4 solemnization ceremony or celebration associated with the
5 solemnization ceremony is in violation of its religious
6 beliefs. An entity identified in this subsection (a-10) shall
7 be immune from any civil, administrative, criminal penalty,
8 claim, or cause of action based on its refusal to provide
9 religious facilities for the solemnization ceremony or
10 celebration associated with the solemnization ceremony of a
11 marriage if the solemnization ceremony or celebration
12 associated with the solemnization ceremony is in violation of
13 its religious beliefs. As used in this subsection (a-10),
14 "religious facilities" means sanctuaries, parish halls,
15 fellowship halls, places of worship, school buildings, and
16 similar facilities. "Religious facilities" does not include
17 facilities such as businesses, health care facilities,
18 nonsectarian educational facilities, or social service
19 agencies.

20 (b) The solemnization of the marriage is not invalidated by
21 the fact that the person solemnizing the marriage was not
22 legally qualified to solemnize it, if either party to the
23 marriage believed him or her to be so qualified or by the fact
24 that the marriage was inadvertently solemnized in a county in
25 Illinois other than the county where the license was issued.

26 (Source: P.A. 95-775, eff. 1-1-09; 09800SB0010enr.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.