

1 HB56
2 164963-1
3 By Representative Hill (J)
4 RFD: Judiciary
5 First Read: 03-MAR-15
6 PFD: 02/27/2015

2
3
4
5
6
7
8 SYNOPSIS: This bill would enact the Freedom of
9 Religion in Marriage Protection Act by amending
10 Section 30-1-7, Code of Alabama 1975, relating to
11 persons authorized to solemnize marriages.

12 This bill would specify that those
13 authorized or permitted to solemnize marriages
14 pursuant to Alabama law are not required to
15 solemnize the marriage of any person.

16 This bill would also specify the rights of
17 those associated with religious organizations,
18 institutions, and societies as related to marriage
19 recognition and solemnization.
20

21 A BILL
22 TO BE ENTITLED
23 AN ACT
24

25 To enact the Freedom of Religion in Marriage
26 Protection Act; to amend Section 30-1-7, Code of Alabama 1975,
27 relating to persons authorized to solemnize marriages; to

1 specify that those authorized to solemnize marriages pursuant
2 to the laws of this state are not required to solemnize the
3 marriage of any person; and to specify and further establish
4 the rights of those associated with religious organizations,
5 institutions, and societies as related to marriage recognition
6 and solemnization.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. This act may be known and shall be cited
9 as The Freedom of Religion in Marriage Protection Act.

10 Section 2. Section 30-1-7, Code of Alabama 1975, is
11 amended to read as follows:

12 "§30-1-7.

13 "(a) Generally. Marriages may be solemnized by any
14 licensed minister of the gospel in regular communion with the
15 Christian church or society of which the minister is a member;
16 by an active or retired judge of the Supreme Court, Court of
17 Criminal Appeals, Court of Civil Appeals, any circuit court,
18 or any district court within this state; by a judge of any
19 federal court; or by an active or retired judge of probate.

20 "(b) Pastor of religious society; clerk of society
21 to maintain register of marriages; register, etc., deemed
22 presumptive evidence of fact. Marriage may also be solemnized
23 by the pastor of any religious society according to the rules
24 ordained or custom established by such society. The clerk or
25 keeper of the minutes of each society shall keep a register
26 and enter therein a particular account of all marriages

1 solemnized by the society, which register, or a sworn copy
2 thereof, is presumptive evidence of the fact.

3 "(c) Quakers, Mennonites, or other religious
4 societies. The people called Mennonites, Quakers, or any other
5 Christian society having similar rules or regulations, may
6 solemnize marriage according to their forms by consent of the
7 parties, published and declared before the congregation
8 assembled for public worship.

9 "(d) No one authorized or permitted to solemnize
10 marriages pursuant to this section or any other provision of
11 Alabama law is required to solemnize a marriage for any person
12 or persons.

13 "(e) Protection of freedom of religion in marriage.
14 Consistent with the guarantees of freedom of religion set
15 forth by both the First Amendment to the United States
16 Constitution; Article I, Section 3 of the Constitution of
17 Alabama of 1901; and Amendment 622 to the Constitution of
18 Alabama of 1901, now appearing as Section 3.01 of the Official
19 Recompilation of the Constitution of Alabama of 1901, as
20 amended (the Alabama Religious Freedom Amendment):

21 "(1) No licensed or ordained minister or any priest,
22 rabbi, or similar official of any church, synaogue, society,
23 or religious organization is required to solemnize or
24 recognize any marriage.

25 "(2) A licensed or ordained minister or any priest,
26 rabbi, or similar official of any church, synaogue, society,
27 or religious organization shall be immune from any civil claim

1 or cause of action, or any criminal prosecution, based on a
2 refusal to solemnize or recognize any marriage under this
3 section or any other provision of Alabama law.

4 "(3) No state agency or local government may base a
5 decision to penalize, withhold benefits from, or refuse to
6 contract with any church, synagogue, society, or religious
7 organization on the refusal of a person associated with such
8 church, synagogue, society, or religious organization to
9 solemnize or recognize a marriage under this section or any
10 other provision of Alabama law.

11 "(4) No church, synagogue, society, or religious
12 organization is required to provide accommodations,
13 facilities, advantages, privileges, services, or goods related
14 to the recognition, solemnization, or celebration of a
15 marriage.

16 "(5) A church, synagogue, society, or religious
17 organization shall be immune from any civil claim or cause of
18 action, or any criminal prosecution, based on its refusal to
19 provide accommodations, facilities, advantages, privileges,
20 services, or goods related to the recognition, solemnization,
21 or celebration of a marriage.

22 "(6) For purposes of this section, a church,
23 synagogue, society, or religious organization includes, but is
24 not limited to, churches, synagogues, temples,
25 nondenominational ministries, interdenominational and
26 ecumenical organizations, mission organizations, faith-based
27 social agencies, and other entities whose principal purpose is

1 the study, practice, or advancement of religion or a
2 particular religion.

3 "(7) For purposes of this subsection, the
4 recognition, solemnization, or celebration of a marriage
5 includes services or provisions that are related to or
6 designed to relate to solemnizing, recognizing, celebrating,
7 strengthening, or promoting marriage, such as religious
8 counseling programs, courses, retreats, and workshops.

9 "(8) Nothing in this section shall be construed to
10 eliminate, reduce, alter, or otherwise modify any additional,
11 broader, or other constitutional freedoms and protections of
12 religion or religious liberties for any person or church,
13 synagogue, society, or religious organization as established
14 under the United States Constitution or the constitution of
15 this state."

16 Section 3. The provisions in this act are severable
17 from the remainder of the act, and any that lack
18 enforceability shall not affect the enforceability of other
19 provisions.

20 Section 4. This act shall become effective upon its
21 passage and approval by the Governor, or its otherwise
22 becoming law.