

16100344D

HOUSE BILL NO. 19

Offered January 13, 2016

Prefiled November 16, 2015

A BILL to amend and reenact §§ 20-23, 20-25, and 20-26 of the Code of Virginia, relating to ministers or other persons authorized to celebrate rites of matrimony; no oath required.

Patrons—Head and Freitas

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 20-23, 20-25, and 20-26 of the Code of Virginia are amended and reenacted as follows:

§ 20-23. Order authorizing ministers to perform ceremony.

When a minister of any religious denomination ~~shall produce~~ *produces* before the circuit court of any county or city in ~~this the~~ *the* Commonwealth, or before the judge of such court or before the clerk of such court at any time, proof of his ordination and of his being in regular communion with the religious society of which he is a reputed member, or proof that he is commissioned to pastoral ministry or holds a local minister's license and is serving as a regularly appointed pastor in his denomination, such court, or the judge thereof, or the clerk of such court at any time, may make an order authorizing such minister to celebrate the rites of matrimony in ~~this the~~ *the* Commonwealth. Any order made under this section may be rescinded at any time by the court or by the judge thereof. *No oath shall be required of a minister authorized to celebrate the rites of matrimony, nor shall such minister be considered an officer of the Commonwealth.*

§ 20-25. Persons other than ministers who may perform rites.

Upon petition filed with the clerk and payment of applicable clerk's fees, any circuit court judge may issue an order authorizing one or more persons; resident in the circuit in which the judge sits; to celebrate the rites of marriage in the Commonwealth. Any person so authorized shall, before acting, enter into bond in the penalty of \$500, with or without surety, as the court may direct. Any order made under this section may be rescinded at any time. *No oath shall be required of a person authorized to celebrate the rites of marriage, nor shall such person be considered an officer of the Commonwealth.*

Any judge or justice of a court of record, any judge of a district court ~~or~~, any retired judge or justice of the Commonwealth ~~or~~, and any active, senior, or retired federal judge or justice who is a resident of the Commonwealth may celebrate the rites of marriage anywhere in the Commonwealth without the necessity of bond or order of authorization.

§ 20-26. Marriage between members of religious society having no minister.

Marriages between persons belonging to any religious society which has no ordained minister, may be solemnized by the persons and in the manner prescribed by and practiced in any such society. One person chosen by the society shall be responsible for completing the certification of marriage in the same manner as a minister or other person authorized to perform marriages; such person chosen by the society for this purpose shall be required to execute a bond in the penalty of \$500, with surety. *No oath shall be required of a person authorized to celebrate the rites of marriage, nor shall such person be considered an officer of the Commonwealth.*

INTRODUCED

HB19