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SENATE BILL NO. 41

FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Senator Ebbin

on February 12, 2016)

(Patron Prior to Substitute—Senator Carrico)

A BILL to amend the Code of Virginia by adding a section numbered 57-2.03 and to repeal §§ 20-45.2 and 20-45.3 of the Code of Virginia, relating to religious freedom; solemnization of marriage.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 57-2.03 as follows:

§ 57-2.03. Religious freedom; solemnization of marriage.

A. No clergy person authorized to celebrate the rites of marriage pursuant to §§ 20-23 and 20-26 shall be required to solemnize any marriage.

B. A refusal by such person to solemnize a marriage shall not give rise to civil or criminal liability or any other action by the Commonwealth or a political subdivision to penalize or withhold benefits or privileges.

C. No court, clerk, or other government agency, official, or employee shall refer the public or the parties to a marriage to any persons other than clergy persons authorized to celebrate the rites of marriage pursuant to § 20-25 unless the order authorizing the celebrant provides that the celebrant shall not decline to solemnize a marriage between such parties who are lawfully licensed to be married. A celebrant shall not be deemed to have been referred solely on the basis that a person has requested and received confirmation that the celebrant is authorized.

2. That §§ 20-45.2 and 20-45.3 of the Code of Virginia are repealed.

SENATE SUBSTITUTE

SB41S1