

Department of Planning and Budget 2020 Fiscal Impact Statement

1. Bill Number: HB863 H1

House of Origin ☐ Introduced ☒ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Levine

3. Committee: Courts of Justice

4. Title: Persons other than ministers who may celebrate rites of marriage; filing of the marriage record.

5. Summary: Under current law, only ministers, judges, justices, or someone chosen by a circuit court judge who resides within the circuit may perform the rites of marriage. The substitute bill establishes that a marriage license application must allow parties to a marriage to designate an officiant to celebrate the rites of marriage, provided that such officiant is not younger than 18 years of age and is not a party to the marriage. The bill allows a license issued with such designation to serve as authorization for such officiant to celebrate the rites of marriage anywhere in the Commonwealth without the necessity of bond or order of authorization.

The bill removes penalties for i) performing the ceremony of marriage without a license or officiating in the rites of marriage without being authorized to do so, and ii) a clerk knowingly issuing a marriage license contrary to law. Currently, these violations are punishable by up to one year in jail.

The bill further allows either the officiant or a party to the marriage to file the marriage record with the State Registrar within five days after the ceremony. Under current law, the officiant is required to file such a record, but a party to the marriage is not allowed to do so.

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: Preliminary. See Item 8 below.

8. Fiscal Implications: The substitute version of this bill is not expected to have a fiscal impact on state agencies. By removing penalties that carried potential jail sentences, this bill may decrease the need for jail bed space; however, the impact cannot be known at this time.

9. Specific Agency or Political Subdivisions Affected: Local and regional jails, State Registrar

10. Technical Amendment Necessary: None

11. Other Comments: None