

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1008 Session of 2017

INTRODUCED BY PYLE, CALTAGIRONE, J. HARRIS, D. COSTA, MILLARD, V. BROWN AND GROVE, MARCH 28, 2017

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 9, 2017

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, IN MARRIAGE LICENSE, REPEALING <--
3 PROVISIONS RELATING TO WAITING PERIOD AFTER APPLICATION AND
4 FURTHER PROVIDING FOR ISSUANCE OF LICENSE; AND, in marriage
5 ceremony, further providing for persons qualified to
6 solemnize marriages.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 1503(a)(5.1) of Title 23 of the <--
10 Pennsylvania Consolidated Statutes is amended to read:

11 SECTION 1. SECTION 1303 OF TITLE 23 OF THE PENNSYLVANIA <--
12 CONSOLIDATED STATUTES IS REPEALED:

13 [§ 1303. WAITING PERIOD AFTER APPLICATION.

14 (A) GENERAL RULE.--NO MARRIAGE LICENSE SHALL BE ISSUED PRIOR
15 TO THE THIRD DAY FOLLOWING THE MAKING OF APPLICATION THEREFOR.

16 (B) EXCEPTIONS.--THE COURT MAY AUTHORIZE A LICENSE TO BE
17 ISSUED AT ANY TIME AFTER THE MAKING OF THE APPLICATION IN THE
18 FOLLOWING CASES:

19 (1) IN CASE OF EMERGENCY OR EXTRAORDINARY CIRCUMSTANCES.

1 (2) IF AN APPLICANT IS A MEMBER OF THE PENNSYLVANIA
2 NATIONAL GUARD OR OTHER RESERVE COMPONENT OF THE ARMED FORCES
3 OF THE UNITED STATES AND IS CALLED OR ORDERED TO ACTIVE DUTY
4 WITH THE ARMED FORCES OF THE UNITED STATES.]

5 SECTION 2. SECTIONS 1307 AND 1503(A) (5.1) OF TITLE 23 ARE
6 AMENDED TO READ:

7 § 1307. ISSUANCE OF LICENSE.

8 THE MARRIAGE LICENSE SHALL BE ISSUED [IF IT APPEARS FROM]
9 IMMEDIATELY FOLLOWING THE SUBMISSION OF PROPERLY COMPLETED
10 APPLICATIONS ON BEHALF OF EACH OF THE PARTIES TO THE PROPOSED
11 MARRIAGE [THAT] IF THERE IS NO LEGAL OBJECTION TO THE MARRIAGE.
12 [EXCEPT AS PROVIDED BY SECTION 1303(B) (RELATING TO WAITING
13 PERIOD AFTER APPLICATION), THE LICENSE SHALL NOT BE ISSUED PRIOR
14 TO THE THIRD DAY FOLLOWING THE DATE OF THE MOST RECENT OF THE
15 TWO APPLICATIONS THEREFOR.]

16 § 1503. Persons qualified to solemnize marriages.

17 (a) General rule.--The following are authorized to solemnize
18 marriages between persons that produce a marriage license issued
19 under this part:

20 * * *

21 (5.1) A former mayor of a city or borough of this
22 Commonwealth who:

23 (i) has not been defeated for reelection;

24 (ii) has not been convicted of, pleaded nolo
25 contendere to or agreed to an Accelerated Rehabilitative
26 Disposition or other probation without verdict program
27 relative to a misdemeanor or felony offense under the
28 laws of this Commonwealth or an equivalent offense under
29 the laws of the United States or any one of its
30 possessions, another state, the District of Columbia, the

1 Commonwealth of Puerto Rico or a foreign nation;
2 (iii) has not resigned the position of mayor to
3 avoid having charges filed or to avoid prosecution by
4 Federal, State or local law enforcement agencies;
5 ~~(iv) has served as a mayor, whether continuously or~~ <--
6 (IV) HAS EITHER: <--
7 (A) SERVED AS A MAYOR, WHETHER CONTINUOUSLY OR
8 not, by election for an aggregate of a full term in
9 office; [and]
10 ~~(v) has resigned the position of mayor without~~ <--
11 OR <--
12 (B) RESIGNED THE POSITION OF MAYOR WITHOUT
13 completing a full term in office in order to hold a
14 new Federal, State or local office; and
15 ~~†(v)†~~ ~~(vi)~~ is a resident of this Commonwealth. <--
16 * * *
17 Section 2 3. This act shall take effect in 60 days. <--