

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2343 Session of 2008

INTRODUCED BY COSTA, CALTAGIRONE, FRANKEL, COHEN, DALEY, GOODMAN, JOSEPHS, MANN, K. SMITH, WALKO, KOTIK, BENNINGHOFF, BOYD, CAPPELLI, CARROLL, CONKLIN, GEIST, HARKINS, HELM, HENNESSEY, LONGIETTI, MYERS, M. O'BRIEN, PEIFER, PYLE, SEIP, M. SMITH, STERN, J. WHITE, WOJNAROSKI, YOUNGBLOOD, MURT, PALLONE, FREEMAN AND DENLINGER, MARCH 10, 2008

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MAY 5, 2008

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, further providing for persons
3 qualified to solemnize marriages.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 1503 of Title 23 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 1503. Persons qualified to solemnize marriages.

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

12 (1) A justice, judge or magisterial district judge of
13 this Commonwealth.

14 (2) A former or retired justice, judge or magisterial
15 district judge of this Commonwealth who is ~~f~~erving as a ←
16 senior judge or senior magisterial district judge as provided

1 or prescribed by law] ~~a resident of this Commonwealth[.];~~ OR ←
2 NOT SERVING AS A SENIOR JUDGE OR SENIOR MAGISTERIAL DISTRICT
3 JUDGE BUT MEETS THE FOLLOWING CRITERIA:

4 (I) HAS SERVED AS A MAGISTERIAL DISTRICT JUDGE,
5 JUDGE OR JUSTICE, WHETHER OR NOT CONTINUOUSLY OR ON THE
6 SAME COURT, BY ELECTION OR APPOINTMENT FOR AN AGGREGATE
7 PERIOD EQUALING A FULL TERM OF OFFICE;

8 (II) HAS NOT BEEN DEFEATED FOR REELECTION OR
9 RETENTION;

10 (III) HAS NOT BEEN CONVICTED OF, PLEADED NOLO
11 CONTENDERE TO, AGREED TO AN ACCELERATED REHABILITATIVE
12 DISPOSITION OR OTHER PROBATION WITHOUT VERDICT PROGRAM
13 RELATIVE TO ANY MISDEMEANOR OR FELONY OFFENSE UNDER THE
14 LAWS OF THIS COMMONWEALTH OR AN EQUIVALENT OFFENSE UNDER
15 THE LAWS OF THE UNITED STATES OR ONE OF ITS TERRITORIES
16 OR POSSESSIONS, ANOTHER STATE, THE DISTRICT OF COLUMBIA,
17 THE COMMONWEALTH OF PUERTO RICO OR A FOREIGN NATION;

18 (IV) HAS NOT RESIGNED A JUDICIAL COMMISSION TO AVOID
19 HAVING CHARGES FILED OR TO AVOID PROSECUTION BY FEDERAL,
20 STATE OR LOCAL LAW ENFORCEMENT AGENCIES OR BY THE
21 JUDICIAL CONDUCT BOARD;

22 (V) HAS NOT BEEN REMOVED FROM OFFICE BY THE COURT OF
23 JUDICIAL DISCIPLINE; AND

24 (VI) IS A RESIDENT OF THIS COMMONWEALTH.

25 (3) An active or senior judge or full-time magistrate of
26 the District Courts of the United States for the Eastern,
27 Middle or Western District of Pennsylvania.

28 (3.1) An active, retired or senior bankruptcy judge of
29 the United States Bankruptcy Courts for the Eastern, Middle
30 or Western District of Pennsylvania who is a resident of this

1 Commonwealth.

2 (4) An active, retired or senior judge of the United
3 States Court of Appeals for the Third Circuit who is a
4 resident of this Commonwealth.

5 (5) A mayor of any city or borough of this Commonwealth.

6 (6) A minister, priest or rabbi of any regularly
7 established church or congregation.

8 (7) A REPRESENTATIVE OR OFFICER OF A FEDERALLY OR STATE- ←
9 RECOGNIZED INDIAN NATION OR TRIBE WHO HAS BEEN ORDAINED OR IS
10 AUTHORIZED TO SOLEMNIZE MARRIAGES IN ACCORDANCE WITH THE
11 RULES AND CUSTOMS OF THE INDIAN NATION OR TRIBE.

12 (b) Religious organizations.--Every religious society,
13 religious institution or religious organization in this
14 Commonwealth may join persons together in marriage when at least
15 one of the persons is a member of the society, institution or
16 organization, according to the rules and customs of the society,
17 institution or organization.

18 (c) Marriage license needed to officiate.--No person or
19 religious organization qualified to perform marriages shall
20 officiate at a marriage ceremony without the parties having
21 obtained a marriage license issued under this part.

22 Section 2. This act shall take effect immediately.