

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL****No. 270** Session of  
2009

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INTRODUCED BY P. COSTA, WALKO, CALTAGIRONE, COHEN, FRANKEL,  
MANN, CARROLL, CONKLIN, CRUZ, GOODMAN, KORTZ, KOTIK,  
LONGIETTI, M. O'BRIEN, READSHAW, SABATINA, SIPTROTH,  
K. SMITH, STABACK, WHITE, BEYER, BOYD, CREIGHTON, FAIRCHILD,  
FLECK, GEIST, GROVE, HARKINS, HENNESSEY, MARSHALL, PYLE,  
SWANGER, BENNINGHOFF, FREEMAN, PALLONE AND STERN,  
FEBRUARY 5, 2009

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AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,  
MARCH 9, 2009

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## 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 serving as a

1 senior judge or senior magisterial district judge as provided  
2 or prescribed by law[.]; or not serving as a senior judge or  
3 senior magisterial district judge but meets the following  
4 criteria:

5 (i) has served as a magisterial district judge,  
6 judge or justice, whether or not continuously or on the  
7 same court, by election or appointment for an aggregate  
8 period equaling a full term of office;

9 (ii) has not been defeated for reelection or  
10 retention;

11 (iii) has not been convicted of, pleaded nolo  
12 contendere to or agreed to an Accelerated Rehabilitative  
13 Disposition or other probation without verdict program  
14 relative to any misdemeanor or felony offense under the  
15 laws of this Commonwealth or an equivalent offense under  
16 the laws of the United States or one of its territories  
17 or possessions, another state, the District of Columbia,  
18 the Commonwealth of Puerto Rico or a foreign nation;

19 (iv) has not resigned a judicial commission to avoid  
20 having charges filed or to avoid prosecution by Federal,  
21 State or local law enforcement agencies or by the  
22 Judicial Conduct Board;

23 (v) has not been removed from office by the Court of  
24 Judicial Discipline; and

25 (vi) is a resident of this Commonwealth.

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

29 (3.1) An active, retired or senior bankruptcy judge of  
30 the United States Bankruptcy Courts for the Eastern, Middle

1 or Western District of Pennsylvania who is a resident of this  
2 Commonwealth.

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

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

7 (5.1) A FORMER MAYOR OF A CITY OR BOROUGH OF THIS  
8 COMMONWEALTH WHO: ←

9 (I) HAS NOT BEEN DEFEATED FOR REELECTION;

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

18 (III) HAS NOT RESIGNED THE POSITION OF MAYOR TO  
19 AVOID HAVING CHARGES FILED OR TO AVOID PROSECUTION BY  
20 FEDERAL, STATE OR LOCAL LAW ENFORCEMENT AGENCIES;

21 (IV) HAS SERVED AS A MAYOR, WHETHER CONTINUOUSLY OR  
22 NOT, BY ELECTION FOR AN AGGREGATE OF A FULL TERM IN  
23 OFFICE; AND

24 (V) IS A RESIDENT OF THIS COMMONWEALTH.

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

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

1       (b) Religious organizations.--Every religious society,  
2 religious institution or religious organization in this  
3 Commonwealth may join persons together in marriage when at least  
4 one of the persons is a member of the society, institution or  
5 organization, according to the rules and customs of the society,  
6 institution or organization.

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

11       Section 2. This act shall take effect immediately.