

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1008 Session of 2017

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

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MAY 22, 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 1303 of Title 23 of the Pennsylvania
10 Consolidated Statutes is repealed:

11 [§ 1303. Waiting period after application.

12 (a) General rule.--No marriage license shall be issued prior
13 to the third day following the making of application therefor.

14 (b) Exceptions.--The court may authorize a license to be
15 issued at any time after the making of the application in the
16 following cases:

17 (1) In case of emergency or extraordinary circumstances.

18 (2) If an applicant is a member of the Pennsylvania
19 National Guard or other reserve component of the armed forces

1 of the United States and is called or ordered to active duty
2 with the armed forces of the United States.]

3 Section 2. Sections 1307 and ~~1503(a)-(5.1)~~ 1503(A)(2) AND <--
4 (5.1) of Title 23 are amended to read:

5 § 1307. Issuance of license.

6 The marriage license shall be issued [if it appears from]
7 immediately following the submission of properly completed
8 applications on behalf of each of the parties to the proposed
9 marriage [that] if there is no legal objection to the marriage.
10 [Except as provided by section 1303(b) (relating to waiting
11 period after application), the license shall not be issued prior
12 to the third day following the date of the most recent of the
13 two applications therefor.]

14 § 1503. Persons qualified to solemnize marriages.

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

18 * * *

19 (2) A FORMER OR RETIRED JUSTICE, JUDGE OR MAGISTERIAL <--
20 DISTRICT JUDGE OF THIS COMMONWEALTH WHO IS SERVING AS A
21 SENIOR JUDGE OR SENIOR MAGISTERIAL DISTRICT JUDGE AS PROVIDED
22 OR PRESCRIBED BY LAW; OR NOT SERVING AS A SENIOR JUDGE OR
23 SENIOR MAGISTERIAL DISTRICT JUDGE BUT MEETS THE FOLLOWING
24 CRITERIA:

25 (I) HAS SERVED AS A MAGISTERIAL DISTRICT JUDGE,
26 JUDGE OR JUSTICE[, WHETHER OR NOT CONTINUOUSLY OR ON THE
27 SAME COURT,] BY ELECTION OR APPOINTMENT [FOR AN AGGREGATE
28 PERIOD EQUALING A FULL TERM OF OFFICE];

29 (II) HAS NOT BEEN DEFEATED FOR REELECTION OR
30 RETENTION;

1 (III) HAS NOT BEEN CONVICTED OF, PLEADED NOLO
2 CONTENDERE TO OR AGREED TO AN ACCELERATED REHABILITATIVE
3 DISPOSITION OR OTHER PROBATION WITHOUT VERDICT PROGRAM
4 RELATIVE TO ANY MISDEMEANOR OR FELONY OFFENSE UNDER THE
5 LAWS OF THIS COMMONWEALTH OR AN EQUIVALENT OFFENSE UNDER
6 THE LAWS OF THE UNITED STATES OR ONE OF ITS TERRITORIES
7 OR POSSESSIONS, ANOTHER STATE, THE DISTRICT OF COLUMBIA,
8 THE COMMONWEALTH OF PUERTO RICO OR A FOREIGN NATION;

9 (IV) HAS NOT RESIGNED A JUDICIAL COMMISSION TO AVOID
10 HAVING CHARGES FILED OR TO AVOID PROSECUTION BY FEDERAL,
11 STATE OR LOCAL LAW ENFORCEMENT AGENCIES OR BY THE
12 JUDICIAL CONDUCT BOARD;

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

15 (VI) IS A RESIDENT OF THIS COMMONWEALTH.

16 * * *

17 (5.1) A former mayor of a city or borough of this
18 Commonwealth who:

19 (i) has not been defeated for reelection;

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

28 (iii) has not resigned the position of mayor to
29 avoid having charges filed or to avoid prosecution by
30 Federal, State or local law enforcement agencies;

1 (iv) has either:
2 (A) served as a mayor, whether continuously or
3 not, by election for an aggregate of a full term in
4 office; [and] or
5 (B) resigned the position of mayor without
6 completing a full term in office in order to hold a <--
7 new Federal, State or local office; and
8 (v) is a resident of this Commonwealth.

9 * * *

10 Section 3. This act shall take effect in 60 days.