ASSEMBLY, No. 648

STATE OF NEW JERSEY
213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:
Assemblyman MICHAEL J. DOHERTY
District 23 (Warren and Hunterdon)
Assemblyman RICHARD A. MERKT
District 25 (Morris)
Assemblyman JOHN DIMAIJO
District 23 (Warren and Hunterdon)

Co-Sponsored by:
Assemblywoman McHose, Assemblymen Russo, DeCroce, Rooney and Thompson

SYNOPSIS
Includes same sex marriages among marriages declared void; provides that New Jersey will not recognize marriages in other jurisdictions which are void in New Jersey.

CURRENT VERSION OF TEXT
Introduced Pending Technical Review by Legislative Counsel

(Sponsorship Updated As Of: 11/24/2009)
AN ACT prohibiting same sex marriages and amending R.S.37:1-1 and supplementing Title 37 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. R.S.37:1-1 is amended to read as follows:
A man shall not marry any of his ancestors or descendants, or his sister, or the daughter of his brother or sister, or the sister of his father or mother, whether such collateral kindred be of the whole or half blood. A woman shall not marry any of her ancestors or descendants, or her brother, or the son of her brother or sister, or the brother of her father or mother, whether such collateral kindred be of the whole or half blood. Persons of the same sex shall not marry. A marriage in violation of any of the foregoing provisions shall be absolutely void.
(cf: R.S.37:1-1)

2. (New section) A marriage solemnized in any other county, state or territory, if valid where solemnized, is valid here unless it is a marriage that would be prohibited and declared void in this State pursuant to R.S.37:1-1 or R.S.37:1-10.

3. (New section) Marriage between persons of the same sex is against the public policy of the State of New Jersey.

4. This act shall take effect immediately.

STATEMENT

This bill provides that marriages between persons of the same sex are prohibited and void in New Jersey. The bill additionally provides that a marriage solemnized in any other county, state or territory, if valid where solemnized, is valid here unless it is a marriage that would be prohibited and declared void in this State pursuant to R.S.37:1-1 (which would include same sex marriages) or R.S.37:1-10 concerning New Jersey's policy of not recognizing common law marriages.

This bill expressly affirms public policy in support of marriage and makes clear that marriage is limited to marriage between a man and a woman. The bill further provides that same sex marriages and others not recognized in this State, whether or not sanctioned by another state, are not recognized in New Jersey.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.