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ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1335

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 12, 2012

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 1335.

This bill would provide that marriages and civil unions may be annulled without cause when demanded by a party less than 30 days after the date of the marriage or civil union ceremony. The bill would also change the requirements concerning locations in which marriage and civil union licenses may be properly issued, abolish the waiting period for obtaining such licenses, and increase the license application fee.

Expanding the available grounds for a judgment of nullity of a marriage or civil union, the bill would permit either party to the relationship to demand such an annulment, without cause, so long as the demand is presented less than 30 days from the date of the ceremony.

The bill also provides that marriage and civil union licenses could be issued either in the municipality in which a party to the marriage or civil union resides, or the municipality in which the proposed marriage or civil union is to be performed. The existing law only permits a municipality in which the proposed marriage or civil union is to be performed to issue the license if both parties to the ceremony are from out-of-State; this restriction is eliminated by the bill.

The wait time of at least 72 hours between applying for a marriage or civil union license and the issuance of that license would be abolished by the bill. Instead, the bill specifically provides that a license “shall be issued by a licensing officer at the time the application is made.” However, this change would not affect the application of R.S.37:1-6, which necessitates the prior consent of the parent or guardian of a minor under the age of 18 as a condition to issuing a marriage or civil union license to that minor.

As amended, the bill would increase the fee for marriage and civil union licenses to \$60. Currently, applicants pay a fee of \$28. The licensing officer issuing the license receives \$3 of this amount and,

pursuant to sections 1 and 2 of P.L.1981, c.382 (C.37:1-12.1 and 37:1-12.2), forwards the remaining \$25 to the Department of Human Services for deposit in a trust fund dedicated to services for domestic violence victims. Under the bill as amended the \$60 fee would be applied as follows: \$13 would be received by the licensing officer; \$12 would be forwarded to the State's General Fund; and \$35 would be forwarded to the trust fund for domestic violence victims.

This bill was pre-filed for introduction in the 2012-2013 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS:

(1) In section 3 of the bill, which amends R.S.37:1-2, the amendments decrease the amount collected by the licensing officer from \$30 to \$25, and increase the amount received by the licensing officer from \$8 to \$13.

(2) In section 4 of the bill, which amends section 1 of P.L.1981, c.382 (C.37:1-12.1), the amendments increase from \$30 to \$35 the additional amount collected by the licensing officer which is forwarded to the Department of Human Services for the trust fund for domestic violence victims.

(3) The amendments also make technical changes to the synopsis.