

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3250

**STATE OF NEW JERSEY**

DATED: MAY 10, 2018

The Assembly Judiciary Committee reports favorably Assembly Bill No. 3250.

This bill would modify the procedures for obtaining a marriage or civil union license when a party is terminally ill. The bill is designated “Linnette Lebron’s Law.”

Currently, persons intending to be married or to enter into a civil union in New Jersey must first obtain a marriage or civil union license from a licensing officer and deliver it to the person who is to officiate. The statutes provide for a mandatory 72-hour waiting period from the time the application is made until the issuance of the license, unless all or part of that time period has been waived by order of the Superior Court.

Under the bill, the 72-hour waiting period may be waived in a case involving a hospitalized terminally ill person whose terminal illness is certified to the licensing officer by the person’s treating physician. The licensing officer would attach the certification from the physician to the license application.

The bill also allows the terminally ill person, or both parties, to obtain the marriage or civil union license through a power of attorney instead of appearing in person before the licensing officer. In addition, the parties could obtain the license by a telephone conference with the licensing officer.

Specifically, the bill requires the attorney-in-fact to personally appear before the licensing officer with the person who is not terminally ill, and present the original power of attorney duly signed by the terminally ill person and acknowledged by a notary, except that the person who is not terminally ill may also be excused from appearing before the licensing officer if that person executes a separate power of attorney, acknowledged by a notary, permitting an attorney-in-fact to appear on his behalf as well.

Each power of attorney would state the legal names of the parties to be married or enter into a civil union, and state that the power of attorney is solely for the purpose of authorizing the attorney-in-fact to obtain a marriage or civil union license on behalf of the terminally ill person and, where a power of attorney has also been executed by the person who is not terminally ill, on behalf of that person. Each power of attorney would be accompanied by a certification of the terminally ill person’s treating physician. The power of attorney and

accompanying certification would be a part of the marriage or civil union certificate upon registration.

The bill also provides that, in lieu of the appearance of an attorney-in-fact on behalf of the hospitalized terminally ill patient or attorneys-in-fact for both parties, the parties could obtain a license by telephone. In this case the licensing officer would require the contracting parties communicating with him by telephone to subscribe and swear to an oath attesting the truth of the facts respecting the legality of the proposed marriage or civil union. The parties' testimony would be verified by a witness of legal age who is in the presence of the contracting parties.

Under current law, any identifying witness, license applicant, or attorney-in-fact who knowingly makes false answers to any of the inquiries asked by the licensing officer is guilty of perjury. The bill specifies that making knowingly false answers to telephone inquiries asked by the licensing officer would constitute perjury as well.

This bill is named after a Camden resident who passed away in February 2015. While Linnette Lebron was dying in the hospital, her husband-to-be was forced to leave her side to go to court to try to obtain a waiver of the 72-hour waiting period. They were married in the hospital and she died the next day.

The bill defines "terminally ill" as "having an illness or injury that can reasonably be expected to result in death in 12 months or less as determined by the treating physician."