

2011 -- H 6103 SUBSTITUTE A AS AMENDED

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LC02541/SUB A
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO DOMESTIC RELATIONS - CIVIL UNIONS

Introduced By: Representatives Petrarca, Fox, JP O'Neill, E Coderre, and Watson

Date Introduced: May 03, 2011

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 15 of the General Laws entitled "DOMESTIC RELATIONS" is
2 hereby amended by adding thereto the following chapter:

3 CHAPTER 3.1

4 CIVIL UNIONS

5 **15-3.1-1. Definitions.** -- (1) "Certificate of civil union" means a document that certifies
6 that the persons named on the certificate have established a civil union in compliance with this
7 chapter.

8 (2) "Civil union" means a legal union between two individuals of the same sex
9 established pursuant to this chapter.

10 (3) "Party to a civil union" means a person who has established a civil union pursuant to
11 this chapter.

12 **15-3.1-2. Eligibility.** -- Persons shall be eligible to enter into a civil union only if both
13 such persons are:

14 (1) At least eighteen (18) years of age;

15 (2) Of the same sex;

16 (3) Not a party to another civil union or a spouse in a marriage with any other person;

17 (4) Not in a family relationship within the degrees stated in Rhode Island general laws
18 section 15-1-1 or section 15-1-2; and

19 (5) Neither person is mentally incompetent at the time of the civil union.

1 **15-3.1-3. License requirements.** -- (a) Persons intending to form a civil union in this
2 state must first obtain a license from the town or city in which:

- 3 (1) One of the parties to the civil union resides; or
4 (2) In the case of both parties being nonresidents of this state the city or town in which
5 the proposed civil union is to be performed.

6 (b) Before any license shall be issued to any person who, having previously been married
7 or been a party in a civil union to someone other than their intended civil union partner, the
8 person shall present to the town or city clerk a certified copy of the decree granting the divorce or
9 dissolving the civil union.

10 (c) The license required in: (a) shall be valid for three (3) months after the date of issue,
11 and if unused at the expiration of the three (3) months, the party or parties having the possession
12 of the license shall immediately return it to the town or city clerk from whom it was obtained.

13 (d) License fee. For issuing the civil union license the town or city clerk shall collect a
14 fee of twenty-four dollars (\$24.00). The city or town shall retain eight dollars (\$8.00), and
15 transmit sixteen dollars (\$16.00) to the general treasurer of the State of Rhode Island who shall be
16 responsible for depositing eight dollars (\$8.00) of the sixteen dollars (\$16.00) received into the
17 family and children trust fund created by Rhode Island general laws section 42-72-30. Each clerk
18 shall keep an accurate account of all fees charged and received under this section and shall
19 transmit all sums due to the general treasurer at least monthly in the manner and with the forms
20 which the general treasurer shall prescribe.

21 (e) The several town and city clerks shall record, in separate books to be kept by them for
22 that purpose, the information furnished to them and subscribed to as provided in this section.
23 Further, town and city clerks shall treat the civil union certificate as a vital record pursuant to
24 Rhode Island general laws chapter 23-3.

25 **15-3.1-4. Certification of civil unions.** -- Officials empowered to certify persons in civil
26 unions:

- 27 (1) Every ordained clergy or elder in good standing, every justice of the supreme court,
28 superior court, family court, workers' compensation court, district court or traffic tribunal, the
29 clerk of the supreme court, every clerk or general chief clerk of a superior court, family court,
30 district court, or traffic tribunal, magistrates, special or general magistrates of the superior court,
31 family court, traffic tribunal or district court, administrative clerks of the district court,
32 administrators of the workers' compensation court, every former justice or judge and former
33 administrator of these courts and every former chief clerk of the district court, and every former
34 clerk or general chief clerk of a superior court, the secretary of the senate, elected clerks of the

1 general assembly, any former secretary of the senate or any former elected clerk of the general
2 assembly who retires after July 1, 2007, judges of the United States appointed pursuant to Article
3 III of the United States Constitution, bankruptcy judges appointed pursuant to Article I of the
4 United States Constitution, and United States magistrate judges appointed pursuant to federal law,
5 may certify a civil union in any city or town in this state; and every justice and every former
6 justice of the municipal courts of the cities and towns in this state and of the police court of the
7 town of Johnston and every probate judge and every former probate judge may certify a civil
8 union in any city or town in this state, and wardens of the town of New Shoreham may certify
9 persons in civil unions in New Shoreham.

10 (2) Every certification of a civil union shall be held in the presence of at least two (2)
11 witnesses besides the person officiating the certification and no minister, justice or other
12 authorized person shall perform the civil union certification until the persons to be certified in a
13 civil union have presented him or her the license named in this section.

14 (3) Every minister, justice, or other authorized person who certifies any persons in a civil
15 union shall endorse the "License and Certificate of Civil Union" presented to him or her by the
16 persons and certify that the persons were certified in a civil union in accordance with the laws of
17 the State of Rhode Island and the person who certifies the parties in the civil union shall complete
18 all the information on the "License and Certificate of Civil Union" and file the form within
19 ninety-six (96) hours following the date of the civil union certification with the clerk in the town
20 or city from which the license was issued.

21 (4) The town or city clerk to whom the civil union certificate is returned shall carefully
22 file and preserve the return.

23 (5) If any person has any lawful objection to the civil union of any two (2) persons, he or
24 she may state the objection in writing, under his or her hand, to the minister, justice or other
25 authorized person about to certify the civil union, at which time the minister, justice or other
26 authorized person shall proceed no further in the civil union until the lawful objection has been
27 removed.

28 (6) Every minister, justice, or other authorized person who certifies persons in a civil
29 union without first receiving the license required by this chapter containing the required
30 information, or whenever the certification of the civil union has been lawfully objected to and the
31 impediment is not removed, or when the person certifies parties in a civil union that he or she
32 knows to have a husband, wife, or other civil union partner shall be imprisoned not exceeding six
33 (6) months or fined not exceeding one thousand dollars (\$1,000).

34 (7) No civil union certified before a person professing to have a license or professing to

1 be qualified to certify the civil union shall be deemed or adjudged to be void, nor shall the
2 validity of the civil union be in any way affected by want of jurisdiction or authority in the person
3 by noncompliance with any of the requirements of this chapter, if the civil union is in other
4 respects lawful and has been certified with a full belief on the part of the parties to the civil union,
5 or either of them, that they have lawfully certified in a civil union.

6 (8) Every person who certifies a civil union without being legally authorized to do so
7 shall be fined five hundred dollars (\$500).

8 (9) If, as the result of a court decision, any civil union which has occurred in Rhode
9 Island is declared invalid, the court shall order the state registrar of vital records to mark “invalid”
10 the original civil union record on file at the division of vital records and to note the invalidity of
11 the civil union on all other files or references to the civil union.

12 (10) Whoever provides any false information as to the requirements under this chapter, or
13 whoever enters into a civil union without duly proceeding as is required by this chapter, shall be
14 fined not exceeding five hundred dollars (\$500).

15 **15-3.1-5. Conscience and religious organizations protected.** – (a) Notwithstanding any
16 other provision of law to the contrary, no religious or denominational organization, no
17 organization operated for charitable or educational purpose which is supervised or controlled by
18 or in connection with a religious organization, and no individual employed by any of the
19 foregoing organizations, while acting in the scope of that employment, shall be required:

20 (1) To provide services, accommodations, advantages, facilities, goods, or privileges for a
21 purpose related to the solemnization, certification, or celebration of any civil union; or

22 (2) To solemnize or certify any civil union; or

23 (3) To treat as valid any civil union;

24 if such providing, solemnizing, certifying, or treating as valid would cause such
25 organizations or individuals to violate their sincerely held religious beliefs.

26 (b) No organization or individual as described in subsection (a) above who fails or
27 refuses to provide, solemnize, certify, or treat as valid, as described in subdivision (a)(1), (a)(2) or
28 (a)(3) above, persons in a civil union, shall be subject to a fine, penalty, or other cause of action
29 for such failure or refusal.

30 **15-3.1-6. Benefits, protections, and responsibilities.** -- A party to a civil union lawfully
31 entered into pursuant to this chapter shall have all the rights, benefits, protections, and
32 responsibilities under law, whether derived from statutes, administrative rules, court decisions,
33 the common law, or any other source of civil or criminal law as people joined together pursuant
34 to chapter 15-3.

1 **15-3.1-7. References and inclusions.** -- A party to a civil union shall be included in any
2 definition or use of any term that denotes the spousal relationship, whether or not gender specific,
3 as those or related terms designating that relationship are used throughout the laws of the State of
4 Rhode Island.

5 **15-3.1-8. Reciprocity.** -- A civil union or registered domestic partnership that extends
6 benefits and responsibilities without the status of marriage and is legally entered into in another
7 jurisdiction shall be recognized in Rhode Island as a civil union; provided, that the relationship
8 meets the eligibility requirements of this chapter.

9 **15-3.1-9. Dissolution of civil unions.** -- The family court, as established by Rhode Island
10 general laws section 8-10-3, shall have jurisdiction over all proceedings regarding dissolution of
11 civil unions. In all relevant respects, the dissolution of civil unions shall follow the procedures
12 and be subject to the substantive rights and obligations outlined in chapter 15-5.

13 **15-3.1-10. Requirement of department of health - Civil unions.** -- (a) The department
14 of health, office of vital statistics shall draft and distribute applications for civil unions to every
15 town and city within the state.

16 **15-3.1-11. Severability.** -- If any part of this chapter or its application to any person or
17 circumstance is adjudged invalid, the adjudication or application shall not affect the validity of
18 this act as a whole or any other part.

19 SECTION 2. This act shall take effect on July 1, 2011.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO DOMESTIC RELATIONS - CIVIL UNIONS

1 This act would provide a legal proceeding whereby two individuals of the same sex may
2 enter into a civil union.

3 This act would take effect on July 1, 2011.

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