
A BILL FOR AN ACT

RELATING TO LICENSING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that marriage in the
2 United States is a civil institution and the right to marry
3 belongs to citizens without regard to their particular moral
4 beliefs or religious creed. There is no existing statutory
5 requirement that marriage be approved by a church or any other
6 religious community. Religious officials - whether priests,
7 rabbis, ministers, imams, or others - may preside at weddings,
8 but neither they nor their religions may define what constitutes
9 marriage in the civil arena.

10 Apart from justices, judges, or magistrates, state law
11 requires a marriage officiant to be affiliated with or ordained
12 by a religious denomination or society. The legislature finds
13 that this policy undermines the neutrality of marriage law that
14 governs everyone equally. By unduly preferring religion over
15 non-religion, the legislature further finds that this



1 requirement implicates the Establishment Clause of the First
2 Amendment to the United States Constitution.

3 The purpose of this Act is to broaden who may solemnize
4 marriage by authorizing the issuance of temporary licenses and
5 allowing this rite to be performed by persons without regard to
6 religion.

7 SECTION 2. Section 572-12, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "§572-12 By whom solemnized. (a) A license to solemnize
10 marriages may be issued to, and the marriage rite may be
11 performed and solemnized by any minister, priest, or officer of
12 any religious denomination or society who has been ordained or
13 is authorized to solemnize marriages according to the usages of
14 [~~such~~] that denomination or society, or any religious society
15 not having clergy but providing solemnization in accordance with
16 the rules and customs of that society, or any justice or judge
17 or magistrate, active or retired, of a state or federal court in
18 the State, upon presentation to such person or society of a
19 license to marry, as prescribed by this chapter. [~~Such~~] A
20 person or society licensed to solemnize a marriage may receive



H.B. NO. 2127

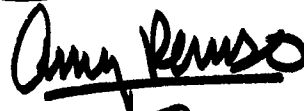
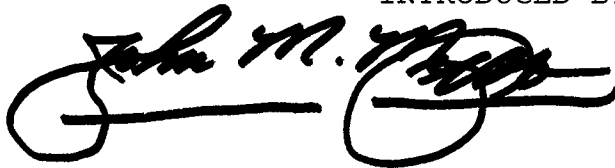
1 the price stipulated by the parties or the gratification
2 tendered.

3 (b) A temporary license to solemnize marriages may be
4 issued to, and the marriage rite may be performed and solemnized
5 by, any individual at least eighteen years of age who has the
6 prior written consent of both persons whose marriage the
7 individual will be licensed to solemnize. The temporary license
8 shall be valid for no less than two years from the date of its
9 issuance. An individual who performs a solemnization of a
10 marriage using a temporary license under this subsection shall
11 fulfill all provisions of sections 572-13 and 572-15 applicable
12 to persons authorized to solemnize marriages."

13 SECTION 3. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 4. This Act shall take effect upon its approval.
16

INTRODUCED BY:



H.B. NO. 2127

Report Title:

Marriage; Temporary License to Solemnize

Description:

Authorizes the issuance of a temporary license to solemnize marriage and allows solemnization by any individual at least eighteen years of age.

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