

JAN 21 2021

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# 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 moral beliefs or  
4 religious creed. However, apart from justices, judges, or  
5 magistrates, state law requires a marriage officiant to be  
6 affiliated with or ordained by a religious denomination or  
7 society. While those with a religious affiliation may have  
8 their trusted pastor or minister officiate their wedding, those  
9 without a religious affiliation are legally unable to have a  
10 trusted friend or mentor officiate their wedding.

11           The purpose of this Act is to broaden who may solemnize  
12 marriage by authorizing the issuance of civil licenses and  
13 allowing this rite to be performed by persons without requiring  
14 a religious affiliation for those families who may not share  
15 one.



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

3 "§572-12 By whom solemnized. (a) A license to solemnize  
4 marriages may be issued to, and the marriage rite may be  
5 performed and solemnized by any minister, priest, or officer of  
6 any religious denomination or society who has been ordained or  
7 is authorized to solemnize marriages according to the usages of  
8 [~~sueh~~] that denomination or society, or any religious society  
9 not having clergy but providing solemnization in accordance with  
10 the rules and customs of that society, or any justice or judge  
11 or magistrate, active or retired, of a state or federal court in  
12 the State, upon presentation to such person or society of a  
13 license to marry, as prescribed by this chapter. [~~Sueh~~] A  
14 person or society licensed to solemnize a marriage may receive  
15 the price stipulated by the parties or the gratification  
16 tendered.

17 (b) A civil license to solemnize marriages may be issued  
18 to, and the marriage rite may be performed and solemnized by,  
19 any individual at least eighteen years of age. The civil  
20 license shall be valid for no less than two years from the date  
21 of its issuance. An individual who performs a solemnization of



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1 a marriage using a civil license pursuant to this subsection  
2 shall obtain the prior written consent of each person for whom a  
3 solemnization is performed under said license and fulfill all  
4 provisions of sections 572-13 and 572-15 applicable to persons  
5 authorized to solemnize marriages."

6 SECTION 3. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: \_\_\_\_\_



# S.B. NO. 157

**Report Title:**

Marriage; License to Solemnize

**Description:**

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

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

