

HB0095/323420/1

BY: Judiciary Committee

AMENDMENTS TO HOUSE BILL 95
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “**in Court**” and substitute “**and Affidavits**”; in line 4, after “license” insert “; authorizing the clerk of a circuit court to accept an affidavit rather than an application from both parties to be married in certain circumstances”; in line 8, strike “2–402(b)” and substitute “2–402”; and strike in their entirety lines 11 through 15, inclusive.

AMENDMENT NO. 2

On page 1, after line 19, insert:

“(a) An applicant for a license may apply to the clerk only at the office of the clerk during regular office hours.”;

and in line 20, strike “subsection (d)” and substitute “**SUBSECTIONS (D) AND (E)**”.

On page 2, in line 16, strike “demonstrating the age” and substitute “**STATING THE DATE OF BIRTH**”; in line 19, strike “one” and substitute “**BOTH**”; in line 20, strike “The” and substitute “**AN**”; in line 24, strike “the party resides” and substitute “**ONE OF THE PARTIES RESIDES**”; and after line 24, insert:

“(E) (1) **SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, IF A PARTY TO BE MARRIED IS UNABLE TO APPEAR BEFORE A CLERK IN THE COUNTY WHERE THE MARRIAGE IS TO BE PERFORMED DUE TO MILITARY SERVICE, HOSPITALIZATION, INCARCERATION, OR OTHER GOOD CAUSE SHOWN, THE CLERK MAY ACCEPT, INSTEAD OF THE APPLICATION SPECIFIED IN SUBSECTION**

(B) OF THIS SECTION, AN AFFIDAVIT FROM BOTH OF THE PARTIES TO BE MARRIED.

(2) AN AFFIDAVIT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:

(I) CONTAIN THE INFORMATION REQUIRED BY SUBSECTION (B) OF THIS SECTION;

(II) STATE THE SPECIFIC REASON THE PARTY IS UNABLE TO APPEAR IN PERSON;

(III) BE SWORN TO UNDER OATH; AND

(IV) BE COMPLETED ON A FORM PROVIDED BY THE COURT ADMINISTRATOR.

(3) THE CLERK MAY REQUEST ADDITIONAL DOCUMENTATION, INCLUDING PROOF OF:

(I) MILITARY SERVICE;

(II) HOSPITALIZATION;

(III) INCARCERATION; OR

(IV) OTHER GOOD CAUSE.

[(e)] (F) Until a license becomes effective, a clerk may not disclose the fact that an application for a license has been made except to the parent or guardian of a party to be married.”