

No. 2009-18

## AN ACT

HB 270

Amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for persons qualified to solemnize marriages.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 1503 of Title 23 of the Pennsylvania Consolidated Statutes is amended to read:

§ 1503. Persons qualified to solemnize marriages.

(a) General rule.—The following are authorized to solemnize marriages between persons that produce a marriage license issued under this part:

(1) A justice, judge or magisterial district judge of this Commonwealth.

(2) A former or retired justice, judge or magisterial district judge of this Commonwealth who is serving as a senior judge or senior magisterial district judge as provided or prescribed by law[.]; *or not serving as a senior judge or senior magisterial district judge but meets the following criteria:*

*(i) has served as a magisterial district judge, judge or justice, whether or not continuously or on the same court, by election or appointment for an aggregate period equaling a full term of office;*

*(ii) has not been defeated for reelection or retention;*

*(iii) has not been convicted of, pleaded nolo contendere to or agreed to an Accelerated Rehabilitative Disposition or other probation without verdict program relative to any misdemeanor or felony offense under the laws of this Commonwealth or an equivalent offense under the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation;*

*(iv) has not resigned a judicial commission to avoid having charges filed or to avoid prosecution by Federal, State or local law enforcement agencies or by the Judicial Conduct Board;*

*(v) has not been removed from office by the Court of Judicial Discipline; and*

*(vi) is a resident of this Commonwealth.*

(3) An active or senior judge or full-time magistrate of the District Courts of the United States for the Eastern, Middle or Western District of Pennsylvania.

(3.1) An active, retired or senior bankruptcy judge of the United States Bankruptcy Courts for the Eastern, Middle or Western District of Pennsylvania who is a resident of this Commonwealth.

(4) An active, retired or senior judge of the United States Court of Appeals for the Third Circuit who is a resident of this Commonwealth.

(5) A mayor of any city or borough of this Commonwealth.

**(5.1) A former mayor of a city or borough of this Commonwealth who:**

*(i) has not been defeated for reelection;*

*(ii) has not been convicted of, pleaded nolo contendere to or agreed to an Accelerated Rehabilitative Disposition or other probation without verdict program relative to a misdemeanor or felony offense under the laws of this Commonwealth or an equivalent offense under the laws of the United States or any one of its possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation;*

*(iii) has not resigned the position of mayor to avoid having charges filed or to avoid prosecution by Federal, State or local law enforcement agencies;*

*(iv) has served as a mayor, whether continuously or not, by election for an aggregate of a full term in office; and*

*(v) is a resident of this Commonwealth.*

(6) A minister, priest or rabbi of any regularly established church or congregation.

(b) Religious organizations.—Every religious society, religious institution or religious organization in this Commonwealth may join persons together in marriage when at least one of the persons is a member of the society, institution or organization, according to the rules and customs of the society, institution or organization.

(c) Marriage license needed to officiate.—No person or religious organization qualified to perform marriages shall officiate at a marriage ceremony without the parties having obtained a marriage license issued under this part.

Section 2. This act shall take effect immediately.

APPROVED—The 14th day of July, A.D. 2009.

EDWARD G. RENDELL