

Chairman Vincent C. Gray

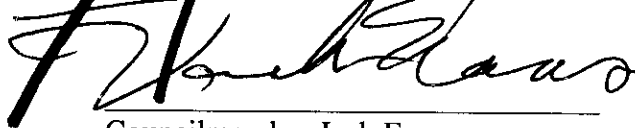

Councilmember David A. Catania



Councilmember Phil Mendelson


Councilmember Kwame R. Brown

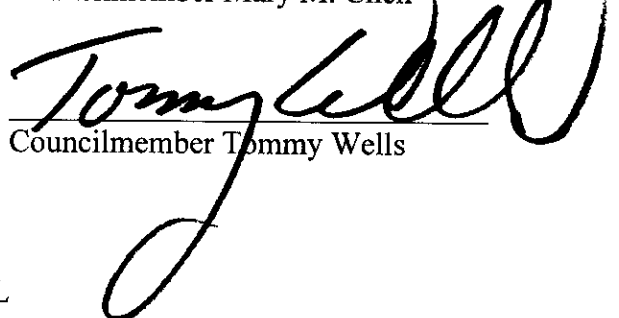

Councilmember Michael A. Brown


Councilmember Jim Graham


Councilmember Jack Evans


Councilmember Mary M. Cheh


Councilmember Muriel Bowser


Councilmember Tommy Wells

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Councilmembers Catania, Mendelson, Kwame Brown, Michael Brown, Graham, Evans, Cheh, Bowser, Wells and Chairman Gray introduced the following bill, which was referred to the Committee on _____.

To amend An Act To establish a code of law for the District of Columbia to permit same-sex couples to marry in the District of Columbia; to ensure that no priest, minister, imam, or rabbi of any religious denomination and no official of any non-profit religious

organization authorized to solemnize marriages shall be required to celebrate any marriage if doing so violates his or her right to the free exercise of religion; to protect religious freedom with respect to doctrine and public accommodations; and to amend the Health Care Benefits Expansion Act of 1992 to discontinue the registration of new domestic partnerships after January 1, 2011 and to allow any existing domestic partners to either continue their domestic partnership or convert their domestic partnership into a marriage without paying an additional fee.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Religious Freedom and Civil Marriage Equality Amendment Act of 2009”.

Sec. 2. Chapter Forty-Three of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1391; D.C. Official Code § 46-401 *passim*), is amended as follows:

(a) A new section 1283a is added to read as follows:

“Sec. 1283a. EQUAL ACCESS TO MARRIAGE.—

“(a) Marriage is the legally recognized union of 2 people. Any person who otherwise meets the eligibility requirements of sections 1283 (D.C. Official Code § 46-401), 1284 (D.C. Official Code § 46-402), and 1285 (D.C. Official Code § 46-403) may marry any other eligible person regardless of gender. Each party to a marriage shall be designated “bride,” “groom,” or “spouse.”

“(b) Where necessary to implement the rights and responsibilities relating to the marital relationship or familial relationships, gender-specific terms shall be construed to be gender neutral for all purposes throughout the law, whether in the context of statute, administrative or court rule, policy, common law or any other source of civil law.”.

(b) Section 1288 (31 Stat. 1392; D.C. Official Code § 46-406), is amended by adding new subsections (c), (d) and (e) to read as follows:

“(c) No priest, minister, imam, or rabbi of any religious denomination and no official of any nonprofit religious organization authorized to solemnize marriages, as defined in this section, shall be required to solemnize any marriage in violation of his or her right to the free exercise of religion guaranteed by the First Amendment to the United States Constitution.

“(d) Each religious organization, association, or society has exclusive control over its own religious doctrine, teachings, and beliefs regarding who may marry within that particular religious tradition’s faith, as guaranteed by the First Amendment to the United States Constitution.

“(e) Notwithstanding any other provision of law, a religious organization, association or society, or a nonprofit organization which is operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, shall not be required to provide services, accommodations, facilities or goods for a purpose related to the solemnization or celebration of a marriage, or the promotion of marriage, that is in violation of the entity’s religious beliefs, unless the entity makes such services, accommodations, or goods available for purchase, rental, or use to members of the general public. Any refusal to provide services, accommodations, facilities or goods in accordance with this section shall not create any civil claim or cause of action, or result in any District action to penalize or withhold benefits from such entity, unless such entity makes such services, accommodations, facilities, or goods available for purchase, rental, or use to members of the general public.”.

Sec. 3. Section 3 of the Health Care Benefits Expansion Act of 1992, approved June 11, 1992 (D.C. Law 9-114, D.C. Official Code § 32-702), is amended as follows:

(a) The ability to register a new domestic partnership in subsection (a) shall sunset as of January 1, 2011.

(b) A new subsection (j) is added to read as follows:

“(j) (1) Two persons in a valid domestic partnership pursuant to this act may apply for and receive a marriage license, and shall not be charged a marriage license fee, provided that the parties are eligible to marry pursuant to sections 1283 (D.C. Official Code § 46-401), 1284 (D.C. Official Code § 46-402), and 1285 (D.C. Official Code § 46-403) of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1391; D.C. Official Code § 46-401 *et seq.*).

“(2) A domestic partnership shall be dissolved by operation of law as of the date of the marriage stated on the certificate obtained pursuant to this section.”.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973

(87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia
Register.

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