

HOUSE BILL NO. HB0150

Civil unions.

Sponsored by: Representative(s) Connolly, Childers, Wallis
and Zwonitzer, Dn. and Senator(s) Von
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A BILL

for

1 AN ACT relating to domestic relations; establishing civil
2 unions and related rights and responsibilities; specifying
3 limits on civil unions; requiring licenses; defining
4 persons who can solemnize civil unions and perform
5 ceremonies; requiring the issuance of certificates;
6 defining offenses and penalties; providing for the
7 recognition of foreign civil unions; establishing the
8 presumed legitimacy of children of civil unions; amending
9 paternity presumptions; providing for dissolution or
10 affirmation of civil unions; defining the applicability of
11 other law; amending bigamy statutes; prohibiting multiple
12 civil unions; providing penalties; and providing for an
13 effective date.

14

15 *Be It Enacted by the Legislature of the State of Wyoming:*

16

1 certification and registration of civil unions and to
2 provide persons entering into a civil union with the
3 obligations, responsibilities, protections and benefits
4 afforded to married persons and spouses.

5

6 **20-8-102. Protections, obligations and**
7 **responsibilities.**

8

9 A party to a civil union is entitled to the same legal
10 obligations, responsibilities, protections and benefits as
11 are afforded or recognized by the law of Wyoming to married
12 persons and spouses, whether they derive from statute,
13 administrative rule, policy, common law or any other source
14 of civil or criminal law.

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16 **20-8-103. Minimum age; exception; parental consent.**

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18 Parties seeking to enter into a civil union shall be
19 subject to the limitations, exceptions and parental consent
20 requirements established by W.S. 20-1-102 for parties
21 seeking marriage.

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23 **20-8-104. License; required.**

24

1 (a) Before solemnization of any civil union in this
2 state, a civil union license shall be obtained from a
3 Wyoming county clerk.

4

5 (b) The civil union license shall be obtained
6 pursuant to the procedures, and subject to the limitations,
7 applicable to marriage licenses under W.S. 20-1-103.

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9 **20-8-105. Judge may order license issued.**

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11 If any county clerk refuses to issue a license for a civil
12 union, if the parties seeking the civil union are under the
13 age of sixteen (16) or in case of circumstances arising
14 which would necessitate the waiver of any one (1) or more
15 of the requirements for obtaining a civil union license, an
16 application to the district court may be filed pursuant to
17 the procedures established by W.S. 20-1-105.

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19 **20-8-106. Who may solemnize a civil union; form of**
20 **ceremony; certification.**

21

22 (a) A civil union may be solemnized by the persons
23 identified in W.S. 20-1-106.

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1 (b) In the solemnization of a civil union no
2 particular form is required, except that the parties shall
3 solemnly declare in the presence of the person performing
4 the ceremony and at least two (2) attending witnesses that
5 they wish to be united in a civil union.

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7 **20-8-107. Certificate of civil union.**

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9 (a) When a civil union is solemnized, the person
10 performing the ceremony shall comply with the requirements
11 of W.S. 20-1-107.

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13 (b) The county clerk of each county in the state
14 shall record all returns of civil unions in a book kept for
15 that purpose within one (1) month after receipt.

16

17 (c) The original certificate and record of civil
18 union made by the person performing the ceremony and the
19 record thereof or a certified copy of the certificate or
20 record is admissible in all courts and places as
21 presumptive evidence of the fact of the civil union.

22

23 **20-8-108. Offenses relating to civil unions**
24 **generally.**

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2 If the county clerk neglects to record a civil union
3 certificate, or if any person performs a civil union
4 ceremony knowing that he is not legally authorized to do so
5 or knowing of any legal impediment to the proposed civil
6 union, he is guilty of a misdemeanor and shall be punished
7 by a fine not exceeding five hundred dollars (\$500.00) or
8 imprisonment for not exceeding one (1) year.

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10 **20-8-109. When civil union solemnized by unauthorized**
11 **person valid.**

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13 No civil union solemnized in any manner authorized by W.S.
14 20-8-106, shall be deemed or adjudged to be void, nor is
15 the validity of the civil union in any way affected because
16 of a lack of jurisdiction or authority of the person
17 performing the ceremony of civil union if the civil union
18 is completed with a full belief on the part of the persons
19 so united, or either of them, that the person performing
20 the ceremony was lawfully authorized to do so.

21

22 **20-8-110. Civil union ceremony according to rites and**
23 **customs of religious societies or assemblies.**

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1 Any religious society or religious assembly may perform the
2 ceremony of civil union in this state according to the
3 rites and customs of the society or assembly. The clerk or
4 keeper of the minutes, proceedings or other book of the
5 society or assembly wherein the civil union occurs, or if
6 none then the moderator or person presiding in the society
7 or assembly, shall make out and transmit to the county
8 clerk of the county a certificate of the civil union.

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10 **20-8-111. Foreign civil unions.**

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12 All civil unions which are valid by the laws of the
13 jurisdiction in which they are entered are valid in this
14 state.

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16 **20-8-112. Legitimacy of children presumed.**

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18 The legitimacy of all children conceived or born during a
19 civil union are rebuttably presumed pursuant to W.S.
20 14-2-504.

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22 **20-8-113. Dissolution; affirmation; applicability of**
23 **other law.**

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1 A civil union may be dissolved or affirmed pursuant to the
2 procedures, standards and limitations established under
3 chapter 2 of this title. Unless otherwise prohibited by
4 law, all the provisions contained in chapter 2 of this
5 title shall apply to civil unions. When applying any
6 section of chapter 2 of this title, where marriages,
7 married parties or spouses are referenced, such references
8 shall be construed to apply to civil unions and to the
9 parties to civil unions.

10

11 **Section 2.** W.S. 6-4-401(a) and (b) and 14-2-504 by
12 creating a new subsection (c) are amended to read:

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14 **6-4-401. Bigamy; penalties; defense.**

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16 (a) A person commits bigamy if, being married and
17 knowing that his spouse is alive, he marries again or
18 enters into a civil union.

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20 (b) It is a defense that the accused person
21 reasonably believed that he was eligible to remarry or
22 enter into a civil union.

23

1 **14-2-504. Presumption of paternity in context of**
2 **marriage.**

3

4 (c) Subsection (a) of this section shall apply to
5 civil unions entered under W.S. 20-8-101 through 20-8-113
6 where the civil union is between a man and a woman. For
7 purposes of applying subsection (a) of this section to
8 civil unions between a man and a woman, a civil union shall
9 be considered a marriage.

10

11 **Section 3.** This act is effective July 1, 2011.

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(END)