

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4939

STATE OF NEW JERSEY

DATED: JUNE 12, 2023

The Senate Judiciary Committee reports favorably Assembly Bill No. 4939.

New Jersey has never enacted a statute prohibiting miscegenation, or marriage between persons of different races. Accordingly, New Jersey has never had to reverse, in statutory or case law, invidious discrimination in marriage or civil union status on the basis of race.

In 1967, the United States Supreme Court in Loving v. Virginia, 388 U.S. 1 (1967), overturned the convictions of a husband, a white person, and wife, a black person, who married in the District of Columbia, and returned to Virginia, where, upon their plea of guilty, were sentenced, in a Virginia state court, to one year in jail for violating Virginia's ban on interracial marriages. In overturning the Virginia statute, the Supreme Court analyzed the statute under the Equal Protection Clause of the federal Constitution and found that the racial classifications then in existence in Virginia violated this clause. The effect of the ruling was to legalize interracial marriages nationwide.

This bill would codify in statute the constitutional right for persons of different races to marry or enter into a civil union, declaring that “the right to marry or enter into a civil union with a person of any race, including the same or different race, is a fundamental right and that race shall not be declared a prohibiting factor” for marriage or entering into a civil union.

This bill, as reported, is identical to Senate Bill No. 3719, also reported today by the committee.