

# ASSEMBLY, No. 1398

## STATE OF NEW JERSEY 212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

**Sponsored by:**

Assemblyman **MICHAEL J. DOHERTY**

District 23 (Warren and Hunterdon)

Assemblyman **RICHARD A. MERKT**

District 25 (Morris)

**Co-Sponsored by:**

Assemblywoman **McHose**, Assemblymen **O'Toole**, **Russo**, **DeCroce**,  
**Gregg**, **Rooney**, **Thompson** and **Pennacchio**

**SYNOPSIS**

Includes same sex marriages among marriages declared void; provides that New Jersey will not recognize marriages in other jurisdictions which are void in New Jersey.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



A1398 DOHERTY, MERKT

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1 AN ACT prohibiting same sex marriages and amending R.S.37:1-1  
2 and supplementing Title 37 of the Revised Statutes.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

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7 1. R.S.37:1-1 is amended to read as follows:

8 A man shall not marry any of his ancestors or descendants, or his  
9 sister, or the daughter of his brother or sister, or the sister of his  
10 father or mother, whether such collateral kindred be of the whole or  
11 half blood. A woman shall not marry any of her ancestors or  
12 descendants, or her brother, or the son of her brother or sister, or the  
13 brother of her father or mother, whether such collateral kindred be  
14 of the whole or half blood. Persons of the same sex shall not marry.  
15 A marriage in violation of any of the foregoing provisions shall be  
16 absolutely void.

17 (cf: R.S.37:1-1)

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19 2. (New section) A marriage solemnized in any other county,  
20 state or territory, if valid where solemnized, is valid here unless it is  
21 a marriage that would be prohibited and declared void in this State  
22 pursuant to R.S.37:1-1 or R.S.37:1-10.

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24 3. (New section) Marriage between persons of the same sex is  
25 against the public policy of the State of New Jersey.

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27 4. This act shall take effect immediately.

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STATEMENT

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32 This bill provides that marriages between persons of the same  
33 sex are prohibited and void in New Jersey. The bill additionally  
34 provides that a marriage solemnized in any other county, state or  
35 territory, if valid where solemnized, is valid here unless it is a  
36 marriage that would be prohibited and declared void in this State  
37 pursuant to R.S.37:1-1 (which would include same sex marriages)  
38 or R.S.37:1-10 concerning New Jersey's policy of not recognizing  
39 common law marriages.

40 This bill expressly affirms public policy in support of marriage  
41 and makes clear that marriage is limited to marriage between a man  
42 and a woman. The bill further provides that same sex marriages  
43 and others not recognized in this State, whether or not sanctioned  
44 by another state, are not recognized in New Jersey.

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**