

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 3416

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 16, 2021

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 3416, with committee amendments.

This bill would codify same-sex marriage in the statutes. Same-sex marriage has been authorized in New Jersey by judicial decision since 2013, pursuant to Garden State Equality v. Dow, 434 N.J. Super. 163 (Law Div. 2013).

This bill is intended to bring New Jersey statutory law into conformance with Garden State Equality as well as the 2015 United States Supreme Court decision in Obergefell et al. v. Hodges, Director, Ohio Department of Health, et al., 576 U.S. 644 (2015). Obergefell held that same-sex marriage is a fundamental right and that all states are required to allow same-sex couples to marry.

The bill also repeals section 94 of P.L.2006, c.103 (C.37:1-36), which established the New Jersey Civil Union Review Commission. Pursuant to that statute, the commission has expired.

COMMITTEE AMENDMENTS:

These committee amendments would make R.S.37:1-1 gender-neutral. This statute, which bars marriages and civil unions between close family members, currently uses the terms “sister or brother” and “daughter or son.” The amendments would change these terms to “sibling” and “child,” respectively.

The amendments also clarify that only marriages in violation of subsection d. of R.S.37:1-1, which addresses prohibited marriages or civil unions between close family members, would be absolutely void. As introduced, the bill provided that “[a] marriage or civil union in violation of any of the foregoing provisions [of R.S.37:1-1] shall be absolutely void.”

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.