

37:1-1.1, Sec.3 Repealer
LEGISLATIVE HISTORY CHECKLIST
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LAWS OF: 2021 **CHAPTER:** 343

NJSA: 37:1-1.1, Sec.3 Repealer (Codifies same-sex marriage in the statutes.)

BILL NO: S3416 (Substituted for A5367 (1R))

SPONSOR(S) Sweeney, Stephen M. and others

DATE INTRODUCED: 2/9/2021

COMMITTEE: **ASSEMBLY:** ---

SENATE: Budget & Appropriations

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** 12/20/2021

SENATE: 12/20/2021

DATE OF APPROVAL: 1/10/2022

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First Reprint enacted)	Yes
S3416	
INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT):	Yes
COMMITTEE STATEMENT:	ASSEMBLY: No
	SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, **may possibly** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT:	No
LEGISLATIVE FISCAL ESTIMATE:	No

A5367 (1R)

INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT):	Yes
COMMITTEE STATEMENT:	ASSEMBLY: Yes
	SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, **may possibly** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

Matt Arco - For Hunterdon County Democrat, 'Same-sex marriage protected by N.J. law', Hunterdon County Democrat (online), 13 Jan 2022 006

Sammy Gibbons, NorthJersey.com, 'New Jersey secures LGBTQ marriage equality in state law', Burlington County Times (online), 12 Jan 2022 A1

David M. Zimmer, NorthJersey.com, 'Politics, pandemic cause a major backlog in Passaic County's courts', Northjersey.com (online), 12 Jan 2022

Jim Beckerman, NorthJersey.com, 'Jeopardy!' champ Amy Schneider may be a game-changer for the trans community', northjersey.com (online), 12 Jan 2022

RWH/JA

P.L. 2021, CHAPTER 343, *approved January 10, 2022*
Senate, No. 3416 (*First Reprint*)

1 AN ACT concerning marriage, amending R.S.37:1-1, repealing
2 section 94 of P.L.2006, c.103, and supplementing Title 37 of the
3 Revised Statutes.

4

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

7

8 1. (New section) The Legislature finds and declares:

9 a. On September 27, 2013, Hon. Mary C. Jacobson, A.J.S.C.
10 ruled in Garden State Equality v. Dow, 434 N.J. Super. 163 (Law
11 Div. 2013) that New Jersey's exclusion of same-sex couples from
12 civil marriage violated the equal protection guarantee of the New
13 Jersey Constitution. The New Jersey Supreme Court declined to
14 issue a stay of the lower court's order. Same-sex couples have been
15 getting married in New Jersey since October 18, 2013, the day the
16 State withdrew its appeal in the case.

17 b. Seven years before Garden State Equality, the New Jersey
18 Supreme Court had ruled unanimously in Lewis v. Harris, 188 N.J.
19 415 (2006) that same-sex couples are entitled to all of the rights,
20 privileges, and obligations of marriage as opposite-sex couples. In
21 response to the Lewis v. Harris decision, the Legislature enacted
22 P.L.2006, c.103 (C.37:1-28 et al.), which established same-sex civil
23 unions in New Jersey.

24 c. The New Jersey Civil Union Review Commission created by
25 the Legislature concluded in 2008, after significant public hearings
26 and discussion, that same-sex civil unions provided unequal
27 treatment to same-sex couples in the State. In addition, under
28 federal law, same-sex civil union couples did not have access to
29 federal benefits available to married couples.

30 d. Section 2 of P.L. , c. , amending N.J.S.37:1-1 (pending
31 before the Legislature as section 2 of this bill) is intended to bring
32 New Jersey statutory law into conformance with the 2013 decision
33 in Garden State Equality as well as the 2015 United States Supreme
34 Court decision in Obergefell et al. v. Hodges, Director, Ohio
35 Department of Health, et al., 576 U.S. 644 (2015). Obergefell held
36 that same-sex marriage is a fundamental right and that all states are
37 required to allow same-sex couples to marry.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SBA committee amendments adopted December 16, 2021.

1 e. This Legislature, in recognition of the New Jersey Supreme
2 Court's unanimous holding in Lewis v. Harris; the New Jersey
3 Superior Court's ruling in Garden State Equality v. Dow; and the
4 United States Supreme Court's decision in Obergefell v. Hodges,
5 and recognizing that New Jersey same-sex couples' right to marry
6 has never been codified and made more secure by the enactment of
7 a statute, finds that it is necessary to enact this legislation.

8

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

10 37:1-1. ~~【Certain marriages】~~ Marriages ~~【or】~~ and civil unions
11 ~~【prohibited】~~.

12 a. ~~【A man shall not marry or enter into a civil union with any~~
13 ~~of his ancestors or descendants, or his sister or brother, or the~~
14 ~~daughter or son of his brother or sister, or the sister or brother of his~~
15 ~~father or mother, whether such collateral kindred be of the whole or~~
16 ~~half blood.】~~ (Deleted by amendment, P.L. , c.) (pending before
17 the Legislature as this bill)

18 b. ~~【A woman shall not marry or enter into a civil union with~~
19 ~~any of her ancestors or descendants, or her sister or brother, or the~~
20 ~~daughter or son of her brother or sister, or the sister or brother of~~
21 ~~her father or mother, whether such collateral kindred be of the~~
22 ~~whole or half blood.】~~ (Deleted by amendment, P.L. , c.)
23 (pending before the Legislature as this bill)

24 c. Laws concerning marriage and civil union shall be read with
25 gender neutral intent.

26 d. No person shall marry or enter into a civil union with any of
27 the person's ancestors or descendants, or the person's ~~【sister or~~
28 ~~brother】~~ sibling¹, or the ~~【daughter or son】~~ child¹ of the person's
29 ~~【brother or sister】~~ sibling¹, or the ~~【sister or brother】~~ sibling¹ of
30 the person's ~~【father or mother】~~ parent¹, whether such collateral
31 kindred be of the whole or half blood.

32 e. A marriage or civil union in violation of ~~【any of the~~
33 ~~foregoing provisions】~~ subsection d. of this section¹ shall be
34 absolutely void.

35 (cf: P.L.2006, c.103, s.6)

36

37 3. Section 94 of P.L.2006, c.103 (C.37:1-36) is repealed.

38

39 4. This act shall take effect immediately.

40

41

42

43

44

Codifies same-sex marriage in the statutes.

CHAPTER 343
(CORRECTED COPY)

AN ACT concerning marriage, amending R.S.37:1-1, repealing section 94 of P.L.2006, c.103, and supplementing Title 37 of the Revised Statutes.

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

C.37:1-1.1 Findings, declarations regarding same-sex marriage.

1. The Legislature finds and declares:

a. On September 27, 2013, Hon. Mary C. Jacobson, A.J.S.C. ruled in *Garden State Equality v. Dow*, 434 N.J. Super. 163 (Law Div. 2013) that New Jersey's exclusion of same-sex couples from civil marriage violated the equal protection guarantee of the New Jersey Constitution. The New Jersey Supreme Court declined to issue a stay of the lower court's order. Same-sex couples have been getting married in New Jersey since October 18, 2013, the day the State withdrew its appeal in the case.

b. Seven years before *Garden State Equality v. Dow*, the New Jersey Supreme Court had ruled unanimously in *Lewis v. Harris*, 188 N.J. 415 (2006) that same-sex couples are entitled to all of the rights, privileges, and obligations of marriage as opposite-sex couples. In response to the *Lewis v. Harris* decision, the Legislature enacted P.L.2006, c.103 (C.37:1-28 et al.), which established same-sex civil unions in New Jersey.

c. The New Jersey Civil Union Review Commission created by the Legislature concluded in 2008, after significant public hearings and discussion, that same-sex civil unions provided unequal treatment to same-sex couples in the State. In addition, under federal law, same-sex civil union couples did not have access to federal benefits available to married couples.

d. Section 2 of P.L.2021, c.343, amending N.J.S.37:1-1 is intended to bring New Jersey statutory law into conformance with the 2013 decision in *Garden State Equality v. Dow* 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.

e. This Legislature, in recognition of the New Jersey Supreme Court's unanimous holding in *Lewis v. Harris*; the New Jersey Superior Court's ruling in *Garden State Equality v. Dow*; and the United States Supreme Court's decision in *Obergefell v. Hodges*, and recognizing that New Jersey same-sex couples' right to marry has never been codified and made more secure by the enactment of a statute, finds that it is necessary to enact this legislation.

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

Marriages and civil unions.

37:1-1. Marriages and civil unions.

a. (Deleted by amendment, P.L.2021, c.343)

b. (Deleted by amendment, P.L.2021, c.343)

c. Laws concerning marriage and civil union shall be read with gender-neutral intent.

d. No person shall marry or enter into a civil union with any of the person's ancestors or descendants, or the person's sibling, or the child of the person's sibling, or the sibling of the person's parent, whether such collateral kindred be of the whole or half blood.

e. A marriage or civil union in violation of subsection d. of this section shall be absolutely void.

Repealer.

3. Section 94 of P.L.2006, c.103 (C.37:1-36) is repealed.

4. This act shall take effect immediately.

Approved January 10, 2022.

SENATE, No. 3416

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 9, 2021

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Cumberland, Gloucester and Salem)

Senator LORETTA WEINBERG

District 37 (Bergen)

Senator VIN GOPAL

District 11 (Monmouth)

Co-Sponsored by:

Senators Lagana, Singleton, Stack and Ruiz

SYNOPSIS

Codifies same-sex marriage in the statutes.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/16/2021)

1 AN ACT concerning marriage, amending R.S.37:1-1, repealing
2 section 94 of P.L.2006, c.103, and supplementing Title 37 of the
3 Revised Statutes.

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

7
8 1. (New section) The Legislature finds and declares:

9 a. On September 27, 2013, Hon. Mary C. Jacobson, A.J.S.C.
10 ruled in Garden State Equality v. Dow, 434 N.J. Super. 163 (Law
11 Div. 2013) that New Jersey's exclusion of same-sex couples from
12 civil marriage violated the equal protection guarantee of the New
13 Jersey Constitution. The New Jersey Supreme Court declined to
14 issue a stay of the lower court's order. Same-sex couples have been
15 getting married in New Jersey since October 18, 2013, the day the
16 State withdrew its appeal in the case.

17 b. Seven years before Garden State Equality, the New Jersey
18 Supreme Court had ruled unanimously in Lewis v. Harris, 188 N.J.
19 415 (2006) that same-sex couples are entitled to all of the rights,
20 privileges, and obligations of marriage as opposite-sex couples. In
21 response to the Lewis v. Harris decision, the Legislature enacted
22 P.L.2006, c.103 (C.37:1-28 et al.), which established same-sex civil
23 unions in New Jersey.

24 c. The New Jersey Civil Union Review Commission created by
25 the Legislature concluded in 2008, after significant public hearings
26 and discussion, that same-sex civil unions provided unequal
27 treatment to same-sex couples in the State. In addition, under
28 federal law, same-sex civil union couples did not have access to
29 federal benefits available to married couples.

30 d. Section 2 of P.L. , c. , amending N.J.S.37:1-1 (pending
31 before the Legislature as section 2 of this bill) is intended to bring
32 New Jersey statutory law into conformance with the 2013 decision
33 in Garden State Equality as well as the 2015 United States Supreme
34 Court decision in Obergefell et al. v. Hodges, Director, Ohio
35 Department of Health, et al., 576 U.S. 644 (2015). Obergefell held
36 that same-sex marriage is a fundamental right and that all states are
37 required to allow same-sex couples to marry.

38 e. This Legislature, in recognition of the New Jersey Supreme
39 Court's unanimous holding in Lewis v. Harris; the New Jersey
40 Superior Court's ruling in Garden State Equality v. Dow; and the
41 United States Supreme Court's decision in Obergefell v. Hodges,
42 and recognizing that New Jersey same-sex couples' right to marry
43 has never been codified and made more secure by the enactment of
44 a statute, finds that it is necessary to enact this legislation.

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.

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

2 37:1-1. ~~【Certain marriages】~~ Marriages ~~【or】~~ and civil unions
3 ~~【prohibited】~~.

4 a. ~~【A man shall not marry or enter into a civil union with any~~
5 ~~of his ancestors or descendants, or his sister or brother, or the~~
6 ~~daughter or son of his brother or sister, or the sister or brother of his~~
7 ~~father or mother, whether such collateral kindred be of the whole or~~
8 ~~half blood.】~~ (Deleted by amendment, P.L. , c.) (pending before
9 the Legislature as this bill)

10 b. ~~【A woman shall not marry or enter into a civil union with~~
11 ~~any of her ancestors or descendants, or her sister or brother, or the~~
12 ~~daughter or son of her brother or sister, or the sister or brother of~~
13 ~~her father or mother, whether such collateral kindred be of the~~
14 ~~whole or half blood.】~~ (Deleted by amendment, P.L. , c.)
15 (pending before the Legislature as this bill)

16 c. Laws concerning marriage and civil union shall be read with
17 gender neutral intent.

18 d. No person shall marry or enter into a civil union with any of
19 the person's ancestors or descendants, or the person's sister or
20 brother, or the daughter or son of the person's brother or sister, or
21 the sister or brother of the person's father or mother, whether such
22 collateral kindred be of the whole or half blood.

23 e. A marriage or civil union in violation of any of the foregoing
24 provisions shall be absolutely void.

25 (cf: P.L.2006, c.103, s.6)

26

27 3. Section 94 of P.L.2006, c.103 (C.37:1-36) is repealed.

28

29 4. This act shall take effect immediately.

30

31

32

STATEMENT

33

34 This bill would codify same-sex marriage in the statutes. Same-
35 sex marriage has been authorized in New Jersey by judicial decision
36 since 2013.

37 On September 27, 2013, Hon. Mary C. Jacobson, A.J.S.C. ruled
38 in Garden State Equality v. Dow, 434 N.J. Super. 163 (Law Div.
39 2013) that New Jersey's exclusion of same-sex couples from civil
40 marriage violated the equal protection guarantee of the New Jersey
41 Constitution. The New Jersey Supreme Court declined to issue a
42 stay of the lower court's order. Same-sex couples have been getting
43 married in New Jersey since October 18, 2013, the day the State
44 withdrew its appeal in the case.

45 Seven years before Garden State Equality, the New Jersey
46 Supreme Court had ruled unanimously in Lewis v. Harris, 188 N.J.
47 415 (2006) that same-sex couples are entitled to all of the rights,

1 privileges, and obligations of marriage as opposite-sex couples. In
2 response to the Lewis v. Harris decision, the Legislature enacted
3 P.L.2006, c.103 (C.37:1-28 et al.), which established same-sex civil
4 unions in New Jersey.

5 The New Jersey Civil Union Review Commission created by the
6 Legislature concluded in 2008, after significant public hearings and
7 discussion, that same-sex civil unions provided unequal treatment to
8 same-sex couples in the State. In addition, under federal law, same-
9 sex civil union couples did not have access to federal benefits
10 available to married couples.

11 This bill is intended to bring New Jersey statutory law into
12 conformance with the 2013 decision in Garden State Equality as
13 well as the 2015 United States Supreme Court decision in
14 Obergefell et al. v. Hodges, Director, Ohio Department of Health, et
15 al., 576 U.S. 644 (2015). Obergefell held that same-sex marriage is
16 a fundamental right and that all states are required to allow same-
17 sex couples to marry.

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

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.

ASSEMBLY, No. 5367

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 23, 2021

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblywoman MILA M. JASEY

District 27 (Essex and Morris)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblyman ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

Co-Sponsored by:

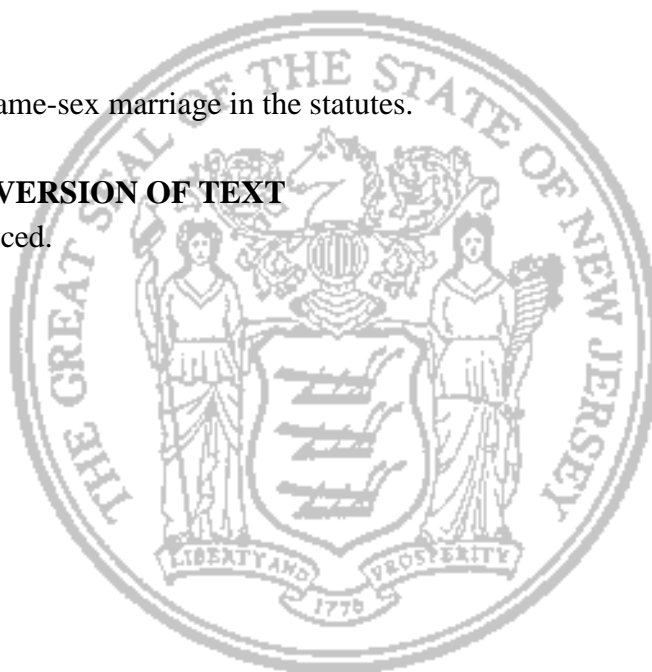
Assemblymen Johnson, Mukherji, McKeon, Daniels, Assemblywomen Chaparro, Stanfield, Assemblyman Calabrese, Assemblywoman Murphy and Assemblyman Peters

SYNOPSIS

Codifies same-sex marriage in the statutes.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/9/2021)

1 AN ACT concerning marriage, amending R.S.37:1-1, repealing
2 section 94 of P.L.2006, c.103, and supplementing Title 37 of the
3 Revised Statutes.

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

7
8 1. (New section) The Legislature finds and declares:

9 a. On September 27, 2013, Hon. Mary C. Jacobson, A.J.S.C.
10 ruled in Garden State Equality v. Dow, 434 N.J. Super. 163 (Law
11 Div. 2013) that New Jersey's exclusion of same-sex couples from
12 civil marriage violated the equal protection guarantee of the New
13 Jersey Constitution. The New Jersey Supreme Court declined to
14 issue a stay of the lower court's order. Same-sex couples have been
15 getting married in New Jersey since October 18, 2013, the day the
16 State withdrew its appeal in the case.

17 b. Seven years before Garden State Equality, the New Jersey
18 Supreme Court had ruled unanimously in Lewis v. Harris, 188 N.J.
19 415 (2006) that same-sex couples are entitled to all of the rights,
20 privileges, and obligations of marriage as opposite-sex couples. In
21 response to the Lewis v. Harris decision, the Legislature enacted
22 P.L.2006, c.103 (C.37:1-28 et al.), which established same-sex civil
23 unions in New Jersey.

24 c. The New Jersey Civil Union Review Commission created by
25 the Legislature concluded in 2008, after significant public hearings
26 and discussion, that same-sex civil unions provided unequal
27 treatment to same-sex couples in the State. In addition, under
28 federal law, same-sex civil union couples did not have access to
29 federal benefits available to married couples.

30 d. Section 2 of P.L. , c. , amending N.J.S.37:1-1 (pending
31 before the Legislature as section 2 of this bill) is intended to bring
32 New Jersey statutory law into conformance with the 2013 decision
33 in Garden State Equality as well as the 2015 United States Supreme
34 Court decision in Obergefell et al. v. Hodges, Director, Ohio
35 Department of Health, et al., 576 U.S. 644 (2015). Obergefell held
36 that same-sex marriage is a fundamental right and that all states are
37 required to allow same-sex couples to marry.

38 e. This Legislature, in recognition of the New Jersey Supreme
39 Court's unanimous holding in Lewis v. Harris; the New Jersey
40 Superior Court's ruling in Garden State Equality v. Dow; and the
41 United States Supreme Court's decision in Obergefell v. Hodges,
42 and recognizing that New Jersey same-sex couples' right to marry
43 has never been codified and made more secure by the enactment of
44 a statute, finds that it is necessary to enact this legislation.

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.

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

2 37:1-1. ~~【Certain marriages】~~ Marriages ~~【or】~~ and civil unions
3 ~~【prohibited】~~.

4 a. ~~【A man shall not marry or enter into a civil union with any of~~
5 ~~his ancestors or descendants, or his sister or brother, or the daughter~~
6 ~~or son of his brother or sister, or the sister or brother of his father or~~
7 ~~mother, whether such collateral kindred be of the whole or half~~
8 ~~blood.】~~ (Deleted by amendment, P.L. , c.) (pending before the
9 Legislature as this bill)

10 b. ~~【A woman shall not marry or enter into a civil union with~~
11 ~~any of her ancestors or descendants, or her sister or brother, or the~~
12 ~~daughter or son of her brother or sister, or the sister or brother of~~
13 ~~her father or mother, whether such collateral kindred be of the~~
14 ~~whole or half blood.】~~ (Deleted by amendment, P.L. , c.)
15 (pending before the Legislature as this bill)

16 c. Laws concerning marriage and civil union shall be read with
17 gender neutral intent.

18 d. No person shall marry or enter into a civil union with any of
19 the person's ancestors or descendants, or the person's sister or
20 brother, or the daughter or son of the person's brother or sister, or
21 the sister or brother of the person's father or mother, whether such
22 collateral kindred be of the whole or half blood.

23 e. A marriage or civil union in violation of any of the foregoing
24 provisions shall be absolutely void.

25 (cf: P.L.2006, c.103, s.6)

26

27 3. Section 94 of P.L.2006, c.103 (C.37:1-36) is repealed.

28

29 4. This act shall take effect immediately.

30

31

32

STATEMENT

33

34 This bill would codify same-sex marriage in the statutes. Same-
35 sex marriage has been authorized in New Jersey by judicial decision
36 since 2013.

37 On September 27, 2013, Hon. Mary C. Jacobson, A.J.S.C. ruled
38 in Garden State Equality v. Dow, 434 N.J. Super. 163 (Law Div.
39 2013) that New Jersey's exclusion of same-sex couples from civil
40 marriage violated the equal protection guarantee of the New Jersey
41 Constitution. The New Jersey Supreme Court declined to issue a
42 stay of the lower court's order. Same-sex couples have been getting
43 married in New Jersey since October 18, 2013, the day the State
44 withdrew its appeal in the case.

45 Seven years before Garden State Equality, the New Jersey
46 Supreme Court had ruled unanimously in Lewis v. Harris, 188 N.J.
47 415 (2006) that same-sex couples are entitled to all of the rights,

1 privileges, and obligations of marriage as opposite-sex couples. In
2 response to the Lewis v. Harris decision, the Legislature enacted
3 P.L.2006, c.103 (C.37:1-28 et al.), which established same-sex civil
4 unions in New Jersey.

5 The New Jersey Civil Union Review Commission created by the
6 Legislature concluded in 2008, after significant public hearings and
7 discussion, that same-sex civil unions provided unequal treatment to
8 same-sex couples in the State. In addition, under federal law, same-
9 sex civil union couples did not have access to federal benefits
10 available to married couples.

11 This bill is intended to bring New Jersey statutory law into
12 conformance with the 2013 decision in Garden State Equality as
13 well as the 2015 United States Supreme Court decision in
14 Obergefell et al. v. Hodges, Director, Ohio Department of Health, et
15 al., 576 U.S. 644 (2015). Obergefell held that same-sex marriage is
16 a fundamental right and that all states are required to allow same-
17 sex couples to marry.

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

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5367

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 9, 2021

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 5367.

This bill would codify same-sex marriage in the statutes. Same-sex marriage has been authorized in New Jersey by judicial decision since 2013.

On September 27, 2013, Hon. Mary C. Jacobson, A.J.S.C. ruled in Garden State Equality v. Dow, 434 N.J. Super. 163 (Law Div. 2013) that New Jersey's exclusion of same-sex couples from civil marriage violated the equal protection guarantee of the New Jersey Constitution. The New Jersey Supreme Court declined to issue a stay of the lower court's order. Same-sex couples have been getting married in New Jersey since October 18, 2013, the day the State withdrew its appeal in the case.

Seven years before Garden State Equality, the New Jersey Supreme Court had ruled unanimously in Lewis v. Harris, 188 N.J. 415 (2006) that same-sex couples are entitled to all of the rights, privileges, and obligations of marriage as opposite-sex couples. In response to the Lewis v. Harris decision, the Legislature enacted P.L.2006, c.103 (C.37:1-28 et al.), which established same-sex civil unions in New Jersey.

The New Jersey Civil Union Review Commission created by the Legislature concluded in 2008, after significant public hearings and discussion, that same-sex civil unions provided unequal treatment to same-sex couples in the State. In addition, under federal law, same-sex civil union couples did not have access to federal benefits available to married couples.

This bill is intended to bring New Jersey statutory law into conformance with the 2013 decision in 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

Clarify that only a marriage or civil union in violation of subsection d. of R.S.37:1-1 concerning the prohibition on marriages or civil unions to ancestors, descendants, or certain other family members shall be absolutely void.

Governor Murphy Signs Legislation to Eliminate Certain Juvenile Justice Fines, Fees, and Costs

01/10/2022

TRENTON – Governor Murphy today signed legislation (S-3319/A-5507) that eliminates certain juvenile justice fines, fees, costs, and other monetary penalties. The legislation acts to improve the juvenile justice system by eliminating unnecessary costs.

“Eliminating these fees will contribute towards breaking the cycle of poverty that often stems from historically biased institutions,” **said Governor Murphy**. “The imposition of fines and fees on justice-involved youth often falls disproportionately on minority and low-income families. I am proud to sign legislation that will further the rehabilitation goals of the juvenile justice system and make New Jersey stronger and fairer for everyone.”

Primary sponsors of the legislation include Senators Nellie Pou, Nia H. Gill, and Assemblymembers Raj Mukherji, Adam J. Taliaferro, and Verlina Reynolds-Jackson.

“Many of these juveniles are from low-income households, and these fees and monetary penalties put a financial strain on families at precisely the time they are in need of relief,” **said Senator Pou**. “Further, research has shown these extra fees can have long-term negative consequences, including higher dropout chances, and the increased likelihood of recidivism. We need to be lifting these young people up, not putting them back into a financial hole the minute they go free.”

“The administrative fees imposed on juveniles can be crippling to families, especially for low-income families with limited resources,” **said Senator Gill**. “This bill will eliminate the additional fines which are not in the discretion of the court to dismiss and will alleviate this unnecessary burden on families who often are left to shoulder the cost.”

“This new law will help curb the contribution of New Jersey’s juvenile justice system to the cycle of poverty. How do we justify young people being further penalized with fines and fees intended to support the juvenile justice system when many aren’t even old enough to get a job?” **asked Assemblyman Mukherji, Chair of the Judiciary Committee**. “Their burdens are often taken on by families who are already struggling to make ends meet, which is a miscarriage of justice with no public safety purpose.”

“The costs associated with our juvenile justice system are far too great for many children and their families to pay,” **said Assemblyman Taliaferro**. “Our youth often have to choose between paying off these debts and paying for necessities, which can make staying out of trouble harder due to these excessive financial burdens.”

“Not only do these costs take an emotional toll on the young people already caught up in a complicated situation, but it disproportionately affects minority and low-income families in our state,” **said Assemblywoman Reynolds-Jackson**. “It is time to end these unnecessary costs and penalties.”

The bill also prohibits a warrant from being issued for a juvenile defendant or the parents or guardian of a juvenile defendant for failure to pay certain statutorily imposed assessments, probation fees, other court imposed financial obligations, restitution, or child support.

“The collection of outstanding fines and fees from youth justice system-involved youth has been an

unjust penalty for them when they need support, not punishment that compounds with interest. It is particularly oppressive for youth of color who are already disproportionately tied up in the youth justice system," said **Yannick Wood, Director of the Criminal Justice Program at the New Jersey Institute for Social Justice**. "We commend the Legislature for passing, and Governor Murphy for signing, this legislation which will finally abolish certain outstanding monetary penalties providing a clean financial slate for New Jersey's most vulnerable youth."

"As a young person who knows the impact of the youth justice system and fines and fees, I am grateful for this law which will help young people move on with their lives at an important time for them," said **Kevin Reeves**. "I hope there will be more legislation and programs to help New Jersey's youth who need support to stay out of the system in the first place."