

CHAPTER 42

AN ACT concerning marriage and civil unions and amending various sections of the statutory law.

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

1. R.S.37:1-4 is amended to read as follows:

Issuance of marriage or civil union license, emergencies, validity.

37:1-4. Issuance of marriage or civil union license, emergencies, validity.

The marriage or civil union license shall not be issued by a licensing officer sooner than 72 hours after the application therefor has been made; provided, however, that the Superior Court may, by order, waive all or any part of said 72-hour period in cases of emergency, upon satisfactory proof being shown to it. Said order shall be filed with the licensing officer and attached to the application for the license.

A marriage or civil union license, when properly issued as provided in this article, shall be good and valid only for 30 days after the date of the issuance thereof.

2. N.J.S.2A:34-1 is amended to read as follows:

Causes for judgments of nullity.

2A:34-1. Causes for judgments of nullity.

(1) Judgments of nullity of marriage may be rendered in all cases, when:

a. Either of the parties has another wife, husband, partner in a civil union couple or domestic partner living at the time of a second or other marriage.

b. The parties are within the degrees prohibited by law. If any such marriage shall not have been annulled during the lifetime of the parties the validity thereof shall not be inquired into after the death of either party.

c. The parties, or either of them, were at the time of marriage physically and incurably impotent, provided the party making the application shall have been ignorant of such impotency or incapability at the time of the marriage, and has not subsequently ratified the marriage.

d. The parties, or either of them, lacked capacity to marry due to want of understanding because of mental condition, or the influence of intoxicants, drugs, or similar agents; or where there was a lack of mutual assent to the marital relationship; duress; or fraud as to the essentials of marriage; and has not subsequently ratified the marriage.

e. The demand for such a judgment is by the wife or husband who was under the age of 18 years at the time of the marriage.

f. Allowable under the general equity jurisdiction of the Superior Court.

(2) Judgments of nullity of a civil union may be rendered in all cases, when:

a. Either of the parties has another wife, husband, partner in a civil union couple or domestic partner living at the time of establishing the new civil union.

b. The parties are within the degrees prohibited by the law from entering into a marriage or establishing a civil union or domestic partnership. If any such civil union shall not have been annulled during the lifetime of the parties the validity thereof shall not be inquired into after the death of either party.

c. The parties, or either of them, lacked capacity to enter into a civil union due to want of understanding because of mental condition, or the influence of intoxicants, drugs, or

similar agents; or where there was a lack of mutual assent to the civil union; duress; or fraud as to the essentials of a civil union; and has not subsequently ratified the civil union.

d. The demand for such a judgment is by the party who was under the age of 18 years at the time of the civil union.

e. Allowable under the general equity jurisdiction of the Superior Court.

3. R.S.37:1-6 is amended to read as follows:

Prohibition of issuance of marriage, civil union license to minor.

37:1-6. A marriage or civil union license shall not be issued to a minor under the age of 18 years.

4. Section 3 of P.L.2006, c.103 (C.37:1-30) is amended to read as follows:

C.37:1-30 Criteria for establishment of civil union.

3. For two persons to establish a civil union in this State, it shall be necessary that they satisfy all of the following criteria:

- a. Not be a party to another civil union, domestic partnership or marriage in this State;
- b. Be of the same sex; and
- c. Be at least 18 years of age.

5. This act shall take effect immediately.

Approved June 22, 2018.