

**Committee Print**

Committee on Public Safety and the Judiciary

November 10, 2009

A BILL

18-482

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend An Act To establish a code of law for the District of Columbia to clarify that marriage between 2 people in the District of Columbia shall not be denied or limited on the basis of gender, to ensure that no minister of any religious society who is authorized to solemnize or celebrate marriages shall be required to solemnize or celebrate any marriage, and to ensure the protection of religious freedom with regard to the provision of services, accommodations, facilities, or goods related to the celebration or solemnization of a same-sex marriage; to amend the Health Care Benefits Expansion Act of 1992 to allow domestic partners to convert their domestic partnership into a marriage without paying an additional fee; and to amend section 16-903 of the District of Columbia Official Code to make a conforming amendment.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Religious Freedom and Civil Marriage Equality Amendment Act of 2009”.

Sec. 2. Chapter Forty-Three of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1391; D.C. Official Code § 46-401 *passim*), is amended as follows:

(a) Section 1283 (D.C. Official Code § 46-401) is redesignated as section 1283a.

(b) A new section 1283 is added to read as follows: 1

“Sec. 1283. EQUAL ACCESS TO MARRIAGE. – 2

“(a) Marriage is the legally recognized union of 2 persons. Any person may enter into a 3  
marriage in the District of Columbia with another person, regardless of gender, unless the 4  
marriage is expressly prohibited by section 1283a or section 1285. 5

“(b) Where necessary to implement the rights and responsibilities relating to the marital 6  
relationship or familial relationships, gender-specific terms shall be construed to be gender 7  
neutral for all purposes throughout the law, whether in the context of statute, administrative or 8  
court rule, policy, common law, or any other source of civil law.”. 9

(c) Section 1287a (D.C. Official Code § 46-405.01) is amended by striking the phrase 10  
“sections 1283” and inserting the phrase “sections 1283a” in its place. 11

(d) Section 1288 (D.C. Official Code § 46-406) is amended by adding new subsections 12  
(c), (d), and (e) to read as follows: 13

“(c) No priest, imam, rabbi, minister, or other official of any religious society who is 14  
authorized to solemnize or celebrate marriages shall be required to solemnize or celebrate any 15  
marriage. 16

“(d) Each religious society has exclusive control over its own theological doctrine, 17  
teachings, and beliefs regarding who may marry within that particular religious society’s faith. 18

“(e) Notwithstanding any other provision of law, a religious society, or a nonprofit 19  
organization that is operated, supervised, or controlled by or in conjunction with a religious 20  
society, shall not be required to provide services, accommodations, facilities, or goods for a 21  
purpose related to the solemnization or celebration of a same-sex marriage, or the promotion of 22

same-sex marriage through religious programs, counseling, courses, or retreats, that is in violation of the religious society’s beliefs. A refusal to provide services, accommodations, facilities, or goods in accordance with this subsection shall not create any civil claim or cause of action, or result in a District action to penalize or withhold benefits from the religious society or nonprofit organization that is operated, supervised, or controlled by or in conjunction with a religious society.”.

Sec. 3. Section 3 of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-702), is amended as follows:

(a) Subsection (d)(3) is amended to read as follows:

“(3) A domestic partnership shall terminate by operation of law if the domestic partners marry each other.”.

(b) Subsection (e)(3) is amended by striking the word “marriage” and inserting the phrase “certification of marriage” in its place.

(c) A new subsection (j) is added to read as follows:

“(j)(1) Two persons in a valid domestic partnership pursuant to this act may apply for and receive a marriage license in accordance with Chapter Forty-Three of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1391; D.C. Official Code § 46-401 *passim*).

“(2) Two persons who are in a domestic partnership and have registered their domestic partnership pursuant to this section shall not be charged a marriage license fee.”.

Sec. 4. Section 16-903 of the District of Columbia Official Code is amended by striking the phrase “46-401” and inserting the phrase “46-401.01” in its place.

Sec. 5. Fiscal impact statement.

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The Council adopts the fiscal impact statement in the committee report as the fiscal  
impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,  
approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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Sec. 6. Effective date.

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This act shall take effect following approval by the Mayor (or in the event of veto by the  
Mayor, action by the Council to override the veto), a 30-day period of Congressional review as  
provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
Columbia Register.

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