

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 369
Judiciary

(Delegate Belcastro)

Judicial Proceedings

Marriage Records – Name Change

This bill establishes specified procedures and requirements for the issuance of a new marriage record when the name of a party to the marriage has been changed.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State government operations or finances, as discussed below.

Local Effect: The bill does not materially affect local government finances or operations.

Small Business Effect: None.

Analysis

Bill Summary: The clerk of the circuit court for the county that issued the (original) marriage license must issue, on written request made under penalty of perjury of both parties to a marriage, a new marriage record if the clerk receives satisfactory proof that a court of competent jurisdiction (regardless of location) has issued an order for a change of name for a party to the marriage. The clerk must also accept a request for a new marriage record on the presentation of a death certificate for a party to a marriage. In addition, the bill requires the clerk to accept a request without the written request of both parties if a court order instructing a marriage record to be changed is presented.

A new marriage record issued under the bill’s provisions must designate the parties using gender-neutral language and, if the name of a party to the marriage has been changed at

any time, reflect the name that was most recently established and for which a certified order of change of name or other appropriate evidence has been submitted. The new marriage record may not be marked as “amended” or otherwise show that changes have been made to a name of a party or, if applicable, a gender designation.

If a new marriage record is issued, the clerk must (1) substitute the new electronic record for the existing record on file and (2) report and transmit a copy to the Secretary of Health, in accordance with existing statutory requirements.

After the issuance of a new marriage record, any certified copy of the record that is issued must be a copy of the new marriage record, unless a court of competent jurisdiction orders the issuance of a copy of the original marriage record.

Current Law: In Maryland, individuals may not marry without a license issued by the clerk in the county where the marriage is to be performed. An applicant for a marriage license may apply to the clerk of the circuit court in the county where the marriage ceremony is to be performed. The clerk must keep a marriage license book or electronic record, which contains a complete record of each license issued, including the name of each individual who intends to be married.

At specific intervals, each clerk must send specified records to the Secretary of Health, including a copy of the record of each marriage that the clerk licenses and records and reports of any changes in a marriage record.

State Fiscal Effect: Although the number of individuals who may request a new marriage record cannot be reliably estimated in advance, it is assumed that the Judiciary (through the clerks’ offices at the circuit courts) can use existing resources to accommodate any requests. While the bill does not specifically allow for or prohibit the imposition of fees to obtain a new marriage record, statute sets a \$10 fee for a “replacement” marriage license that is payable to the State general fund. Regardless, any potential revenues – to the extent the fee is charged in the circumstances under the bill – are not anticipated to materially affect State finances.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 377 (Senator Lee) - Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Legislative Services

Fiscal Note History: First Reader - February 6, 2022
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