

CHAPTER 160
SB 394 – FINAL VERSION

2014 SESSION

14-2777
05/10

SENATE BILL **394**

AN ACT relative to the recognition of out-of-state marriages, uniform marriage recognition law, civil union recognition, and gender neutral references.

SPONSORS: Sen. Lasky, Dist 13; Sen. Woodburn, Dist 1; Sen. Watters, Dist 4; Sen. Fuller Clark, Dist 21; Sen. Reagan, Dist 17; Rep. Weber, Ches 1; Rep. Hackel, Hills 29; Rep. M. Smith, Straf 6

COMMITTEE: Judiciary

ANALYSIS

This bill clarifies statutes governing recognition of civil unions and marriages entered into by same-sex couples. The bill also provides that gender-specific terms related to marital or familial relationships shall be construed to be gender-neutral for all purposes.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through~~].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT relative to the recognition of out-of-state marriages, uniform marriage recognition law, civil union recognition, and gender neutral references.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 160:1 Recognition of Out-of-State Marriages. Amend RSA 457:3 to read as follows:

2 457:3 Recognition of Out-of-State Marriages. Every marriage legally contracted outside the
3 state of New Hampshire, which would not be prohibited under RSA 457:2 if contracted in
4 New Hampshire, shall be recognized as valid in this state for all purposes if or once the contracting
5 parties are or become permanent residents of this state subsequent to such marriage, and the issue
6 of any such marriage shall be legitimate. Marriages legally contracted outside the state of
7 New Hampshire which would be prohibited under RSA 457:2 if contracted in New Hampshire shall
8 not be legally recognized in this state. Any marriage of New Hampshire residents recognized as
9 valid in the state prior to the effective date of this section shall continue to be recognized as valid on
10 or after the effective date of this section. ***Notwithstanding anything in this statute or the***
11 ***provisions of RSA 457:43 to the contrary, any marriage of a same-sex couple lawfully***
12 ***contracted outside New Hampshire shall be recognized in New Hampshire as of the date of***
13 ***its solemnization.***

14 160:2 Uniform Marriage Recognition Law. RSA 457:44 is repealed and reenacted to read as
15 follows:

16 457:44 Nonresidents; Recognition of Same-Sex Marriage. Any marriage of a same-sex couple
17 contracted in this state on or after January 1, 2010 by a party residing or intending to reside in
18 another jurisdiction is valid and legitimate as of the date of its solemnization.

19 160:3 Civil Union Recognition; Obtaining Legal Status of Marriage. Amend RSA 457:45 to read
20 as follows:

21 457:45 Civil Union Recognition. A civil union legally contracted outside of New Hampshire, ***or***
22 ***any legal union other than a marriage that provides substantially the same rights, benefits***
23 ***and responsibilities as a marriage that is legally contracted outside of New Hampshire,***
24 ***shall be recognized as a marriage in this state, and any person in such legal union contracted***
25 ***outside of New Hampshire may also marry the same party in New Hampshire without the***
26 ***dissolution of such legal union,*** provided that the relationship does not violate the prohibitions of
27 this chapter.

28 160:4 Number; Gender. Amend RSA 21:3 to read as follows:

29 21:3 Number; Gender. Words importing the singular number may extend and be applied to

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1 several persons or things; words importing the plural number may include the singular; and words
2 importing the masculine gender may extend and be applied to females. *Gender-specific terms*
3 *relating to the marital relationship or familial relationships, including without*
4 *limitation, “spouse,” “family,” “marriage,” “immediate family,” “dependent,” “next of kin,”*
5 *“man,” “woman,” “groom,” “bride,” “husband,” “wife,” “widow,” or “widower,” shall be*
6 *construed to be gender-neutral for all purposes throughout New Hampshire law, whether*
7 *in statute, state administrative or court rule, policy, common law, or any other source of*
8 *civil state law.*

9 160:5 Effective Date. This act shall take effect upon its passage.

10 Approved: July 10, 2014

11 Effective Date: July 10, 2014