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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1971

ENROLLED

SENATE BILL NO. 39

(By Mr. BROTHERTON)

PASSED FEBRUARY, 4 1971

In Effect NINETY DAYS FROM Passage



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OFFICE OF  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA

FEB 11 9 27 AM '71

RECEIVED

FILED IN THE OFFICE  
JOHN D. ROCKEFELLER, II  
SECRETARY OF STATE

THIS DATE 2-11-71

**ENROLLED**

**Senate Bill No. 39**

**(By MR. BROTHERTON)**

[Passed February 4, 1971; in effect ninety days from passage.]

AN ACT to amend and reenact sections twelve, twelve-a and twelve-c, article one, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to persons authorized to perform marriages, the qualifications and bonding of those so authorized, the performance of marriage ceremonies and records with respect thereto.

*Be it enacted by the Legislature of West Virginia:*

That sections twelve, twelve-a and twelve-c, article one, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 1. MARRIAGE.****§48-1-12. Persons authorized to celebrate marriages.**

1 Any minister, priest or rabbi, over the age of twenty-  
2 one years, who has complied with the provisions of section  
3 twelve-a of this article, or a judge of any court of record  
4 in this state, is authorized to celebrate the rites of mar-  
5 riage in all the counties of the state. No person, other  
6 than a minister, priest or rabbi, who has complied with  
7 the provisions of section twelve-a of this article, or a  
8 judge of any court of record in this state, shall hereafter  
9 celebrate the rites of marriage in this state, anything in  
10 any act of the Legislature or of any court to the contrary,  
11 notwithstanding.

12 Wherever in this article the terms "minister", "priest"  
13 or "rabbi" shall appear, the same shall be understood  
14 and held in all respects to include, without being limited  
15 to, a leader or representative of a generally recognized  
16 spiritual assembly, church or religious organization which  
17 does not formally designate or recognize persons as min-  
18 isters, priests or rabbis.

**§48-1-12a. Qualifications of minister, priest or rabbi for celebrating marriages.**

1     When any minister, priest or rabbi shall, before the  
2     county court of any county in this state, or the clerk of  
3     any such court in vacation, produce proof that he is over  
4     the age of twenty-one, duly licensed by, and being in  
5     regular communion with, the religious society of which he  
6     is a member, and give bond in the penalty of fifteen  
7     hundred dollars, with surety approved by such court or  
8     clerk thereof in vacation, such court or clerk may make  
9     an order authorizing him to celebrate the rites of mar-  
10    riage in all the counties of the state: *Provided, however,*  
11    That any minister, priest or rabbi who gives proof  
12    before the county court of any county in this state, or  
13    the clerk of any such court in vacation, of his ordination  
14    or authorization by his respective church, denomination,  
15    synagogue or religious society, shall be exempted from  
16    the giving of such bond.

**§48-1-12c. Ritual for ceremony of marriage by minister, rabbi  
or priest; record of marriage.**


1     A minister, priest or rabbi authorized to celebrate

2 the rites of marriage shall perform the ceremony of  
3 marriage according to the rites and ceremonies of his  
4 religious denomination, church, synagogue or religious  
5 society and the laws of the state of West Virginia.

6 A record of each marriage performed, with the names  
7 of the parties, their respective places of residence prior to  
8 marriage, and the date of marriage, shall be kept by the  
9 officiating minister, priest or rabbi in the permanent  
10 record of the church, synagogue or religious society which  
11 he serves.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
Chairman Senate Committee

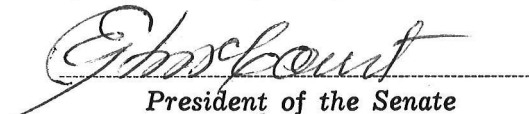
  
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker House of Delegates

The within approved this the 9th  
day of February, 1971.

  
Governor



PRESENTED TO THE  
GOVERNOR

Date 2/9/71

Time 4:00 p.m.