



Legislative Council Staff

Research Note

Version: Final

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Bill Number

Senate Bill 16-150

Sponsors

Senator Steadman
Representative Esgar

Short Title

Marriages By Individuals In Civil Unions

Research Analyst

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Status

This research note reflects the final version of the bill, which was signed by the Governor on June 8, 2016. The section of the bill relating to bigamy becomes effective on July 1, 2016; the remaining sections of the bill became effective on June 8, 2016.

Summary

This bill amends state law concerning civil unions and marriage to do the following:

- allow persons in a valid current civil union to marry each other without having to first dissolve the civil union;
- specify that a civil union and marriage are merged when two people in a civil union subsequently enter into marriage and that the civil union terminates on the date of the new marriage;
- specify that the Uniform Dissolution of Marriage Act applies to marriages that result from a merger with a civil union;
- specify that time spent in a civil union prior to it being converted to marriage is included when determining the duration of such a marriage during dissolution proceedings;
- apply state bigamy laws to persons currently in a civil union who enter into marriage with someone other than the civil union partner or persons who enter into another civil union;
- require the Department of Public Health and Environment to update the marriage application form to capture certain information about any prior civil unions entered into or merged with a marriage; and
- repeal the provision of the Colorado civil union statute that specifies that marriage between two persons of the same sex who are married in another state are recognized as civil unions in Colorado.

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Background

Civil unions, including those of same-sex couples, have been legal in Colorado since May 2013, following the passage of Senate Bill 13-011. Court decisions in several cases arising in the United States 10th Circuit Court of Appeals ultimately resulted in Colorado's ban on same-sex marriage being declared unconstitutional. Beginning in October 2014, county clerks in Colorado began issuing marriage licenses to same-sex couples. In June 2015, the United States Supreme Court ruled in *Obergefell v. Hodges* that the right to marry is a fundamental right under the U.S. Constitution, and that states are required to license a marriage between two people of the same sex and to recognize such a marriage when that marriage was lawfully licensed and performed out-of-state.

Senate Action

Senate Judiciary Committee (March 28, 2016). The committee heard testimony in favor of the bill from a representative of the Colorado Bar Association. The committee adopted amendment L.002, and referred the bill, as amended, to the Senate Committee of the Whole. Amendment L.002 provided that an existing civil union terminates upon marriage of the parties.

Senate second reading (April 28, 2016). The Senate Committee of the Whole adopted the Judiciary Committee report and amendments L.008 and L.010, and passed the bill, as amended, on second reading.

Amendment L.008 struck the Judiciary Committee report, and made the following changes to the bill:

- removed provisions that added a section to the Uniform Dissolution of Marriage Act related to when parties to civil union marry;
- repealed a provision of the Colorado Civil Union Act relating to reciprocity;
- removed certain language from the Colorado Civil Union Act concerning when parties to a civil union marry, and in the same section, provided that an existing civil union terminates upon marriage of the parties;
- removed a provision concerning the dissolution of marriages that were merged with civil unions; and
- made conforming amendments.

Amendment L.010 added a legislative declaration concerning the legal status of marriages and a recent U.S. Supreme Court decision.

Senate third reading (April 29, 2016). The Senate adopted the bill on third reading.

House Action

House Judiciary Committee (May 3, 2016). The committee referred the bill, unamended, to the House PHC&HS Committee.

House PHC&HS Committee (May 6, 2016). The committee heard testimony from representatives of the Colorado Bar Association in favor of the bill. The committee referred the bill, unamended, to the House Committee of the Whole.

House second reading (May 9, 2016). The House Committee of the Whole passed the bill on second reading.

House third reading (May 10, 2016). The House adopted the bill on third reading.

Relevant Research

Legislative Council Staff, *Civil Unions*, Issue Brief, June 2013: <http://tinyurl.com/hhthfbp> (pdf).