

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

House Bill 4010

BY DELEGATES JENNINGS, WARD, EVANS, A., HOLLEN,
FAST, AMBLER, MARTIN, PAYNTER, ROWAN, GRAVES AND
ZATEZALO

[Introduced January 12, 2018; Referred
to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §48-2-406, relating to providing that a religious representative or spiritual
 3 assembly, church or religious organization is not required to solemnize a marriage and a
 4 spiritual assembly, church or religious organization is not required to allow any building or
 5 property of the organization to be used to host a marriage ceremony if the marriage does
 6 not conform to the religious representative or spiritual assembly, church or religious
 7 organization's sincerely held religious beliefs, to provide that a religious representative or
 8 spiritual assembly, church or religious organization is not subject to civil or criminal liability
 9 for such a denial, and to provide that the state and political subdivisions may not penalize
 10 or withhold benefits to any religious representative or spiritual assembly, church or
 11 religious organization for such a denial.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. MARRIAGES.

§48-2-406. No requirement to perform or host a marriage ceremony.

1 (1) No religious representative described in section 401 of this article or spiritual assembly,
 2 church or religious organization described in in section 401 of this article is required to solemnize
 3 a marriage that does not conform to the religious representative's or religious society's sincerely
 4 held religious beliefs.

5 (2) No spiritual assembly, church or religious organization in section 401 of this article is
 6 required to allow any building or property of the spiritual assembly, church or religious
 7 organization to be used to host a marriage ceremony for a marriage that does not conform to the
 8 spiritual assembly, church or religious organization's sincerely held religious beliefs.

9 (3) If a religious representative described in section 401 of this article or a religious society
 10 described in section 401 of this article refuses to solemnize a marriage or refuses to allow any
 11 building or property of the religious society to be used to host a marriage ceremony because of
 12 the religious representative's or religious society's sincerely held religious beliefs, the religious

- 13 representative or religious society shall be immune from civil or criminal liability and neither the
14 state nor a political subdivision of the state shall penalize or withhold any benefit or privilege from
15 the religious representative or religious society, including any governmental contract, grant, or
16 license.

NOTE: The purpose of this bill is to provide that a religious representative or spiritual assembly, church or religious organization is not required to solemnize a marriage and a spiritual assembly, church or religious organization is not required to allow any building or property of the organization to be used to host a marriage ceremony if the marriage does not conform to the religious representative or spiritual assembly, church or religious organization's sincerely held religious beliefs, to provide that a religious representative or spiritual assembly, church or religious organization is not subject to civil or criminal liability for such a denial, and to provide that the state and political subdivisions may not penalize or withhold benefits to any religious representative or spiritual assembly, church or religious organization for such a denial.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.