

- 1 (1) Not a partner in another civil union, a spouse in a
- 2 marriage, or a party to a reciprocal beneficiary
- 3 relationship pursuant to chapter 572C;
- 4 (2) Of the same sex as the other proposed partner in the
- 5 civil union;
- 6 (3) At least eighteen years of age; and
- 7 (4) Not related to the other proposed partner in the civil
- 8 union, as provided in section -3.

9 § -3 **Civil unions void; when.** A civil union shall be
 10 void between the following persons:

- 11 (1) A woman and her mother, grandmother, daughter,
- 12 granddaughter, sister, brother's daughter, sister's
- 13 daughter, father's sister, or mother's sister; or
- 14 (2) A man and his father, grandfather, son, grandson,
- 15 brother, brother's son, sister's son, father's
- 16 brother, or mother's brother.

17 § -4 **Solemnization; license to perform; refusal to join**
 18 **persons in a civil union.** (a) A civil union shall become valid
 19 only upon completion of a solemnization by a person licensed in
 20 accordance with this section.

21 (b) Any judge or retired judge, including a federal judge
 22 or judge of another state who may legally join persons in



1 marriage or a civil union, may solemnize a civil union. Any
2 ordained or licensed member of the clergy may solemnize a civil
3 union. Solemnization may be entirely secular or may be
4 performed according to the forms and usages of any religious
5 denomination in this state. Nothing in this section shall be
6 construed to require any person authorized to perform
7 solemnizations of marriages or civil unions to perform a
8 solemnization of a civil union, and no such authorized person
9 who fails or refuses for any reason to join persons in a civil
10 union shall be subject to any fine or other penalty for such
11 failure or refusal.

12 (c) No agent may solemnize a civil union; nor may any
13 assistant or deputy of the agent solemnize a civil union.

14 (d) No person shall perform solemnization of a civil union
15 without first having obtained a license from the department of
16 health. The department of health shall issue licenses to
17 solemnize civil unions in the same manner as it issues licenses
18 to solemnize marriages pursuant to chapter 572. The department
19 of health may revoke or suspend a license to solemnize civil
20 unions in the same manner as it may revoke or suspend a license
21 to solemnize marriages pursuant to chapter 572. Any penalties
22 or fines that may be levied or assessed by the department of



1 health for violation of chapter 572 with respect to a person
2 licensed to solemnize marriages shall apply equally to a person
3 licensed to solemnize civil unions.

4 § -5 **Applicants for civil union; license required;**

5 **limitations.** (a) No persons may be joined in a civil union in
6 this state unless both partners have:

7 (1) Met the requirements of section -2;

8 (2) Complied with sections -6 and, if applicable,
9 section -7; and

10 (3) Been issued a license by the agent in the judicial
11 circuit in which a civil union is to be solemnized or
12 in which either person resides, which license shall
13 bear the certification of the agent that the persons
14 named therein have met the requirements of section
15 -2 and have complied with sections -6 and, if
16 applicable, section -7.

17 (b) The license, when certified by the agent, is
18 sufficient authority for any person authorized to perform a
19 civil union solemnization in this state to join the persons in a
20 civil union; provided that the solemnization is performed not
21 more than thirty days after the date of issuance. The license
22 shall become void thirty days after issuance.



1 § -6 **Application for license for persons who wish to**
2 **enter into a civil union; fee.** (a) No license for a civil
3 union may be issued by the agent until both applicants have
4 appeared before the agent and applied for a license. The
5 application for the license shall be completed in its entirety,
6 dated, signed, and sworn to by each applicant and shall state
7 each applicant's full name, date of birth, birthplace,
8 residence, social security number, whether single, widowed, or
9 divorced, and whether the applicant is under the supervision or
10 control of a conservator or guardian. If the application is
11 signed and sworn to by the applicants on different dates, the
12 earlier date shall be deemed the date of application. The agent
13 shall issue a copy of this chapter to any person applying for a
14 license.

15 (b) The fee for a license to enter into a civil union
16 shall be an amount equal to the amount prescribed in section
17 572-5, and all amounts collected by the agent as application
18 fees under this chapter shall be retained or remitted and
19 apportioned in the same manner as prescribed in section 572-5.

20 § -7 **Persons under control of conservator or guardian.**

21 (a) No civil union license may be issued to any applicant under
22 the supervision or control of a conservator or guardian,



1 appointed in accordance with chapter 560, unless the written
2 consent of the conservator or guardian, signed and notarized, is
3 filed with the agent.

4 (b) Any person who enters into a civil union without the
5 consent provided for in subsection (a) shall acquire no rights,
6 by that civil union, in the property of any person who was under
7 the control or supervision of a conservator or guardian at the
8 time the civil union was entered into.

9 § -8 Record of solemnization; reported by whom;
10 affidavit; evidentiary weight of certificate or affidavit. (a)
11 Each person who solemnizes a civil union shall certify upon the
12 civil union license certificate the fact, time, and place of the
13 solemnization of the civil union and return the license to the
14 agent within three business days following the solemnization of
15 the civil union, or as may otherwise be prescribed by the
16 department of health for persons authorized to perform
17 solemnizations of marriages pursuant to chapter 572.

18 (b) If any person who has solemnized a civil union fails
19 to return the certificate to the agent as required under
20 subsection (a), the partners joined in a civil union may provide
21 the agent with a notarized affidavit attesting to the fact that
22 they were joined in a civil union and stating the date and place



1 of the solemnization of the civil union. Upon the recording of
2 that affidavit by the agent, the civil union of the partners
3 shall be deemed to be valid as of the date of the solemnization
4 of the civil union stated in the affidavit.

5 (c) The certificate required by subsection (a) or an
6 affidavit recorded pursuant to subsection (b) shall be prima
7 facie evidence of the facts stated therein.

8 § -9 **Same benefits, protections, and responsibilities as**
9 **marriage.** Partners to a civil union lawfully entered into
10 pursuant to this chapter shall have all the same rights,
11 benefits, protections, and responsibilities under law, whether
12 derived from statutes, administrative rules, court decisions,
13 the common law, or any other source of civil law, as are granted
14 to spouses in a marriage validly entered into pursuant to
15 chapter 572.

16 § -10 **Civil unions performed in other jurisdictions.** A
17 civil union, domestic partnership, or marriage of two persons of
18 the same sex that was validly performed in another jurisdiction
19 shall be recognized as a civil union in this State regardless of
20 whether the union bears the name "civil union".

21 SECTION 2. Section 572-1.6, Hawaii Revised Statutes, is
22 repealed.



1 ~~["§572-1.6] Private solemnization not unlawful.~~ Nothing
2 ~~in this chapter shall be construed to render unlawful, or~~
3 ~~otherwise affirmatively punishable at law, the solemnization of~~
4 ~~same-sex relationships by religious organizations; provided that~~
5 ~~nothing in this section shall be construed to confer any of the~~
6 ~~benefits, burdens, or obligations of marriage under the laws of~~
7 ~~Hawaii."]~~

8 SECTION 3. Except for part I of chapter 572, every
9 reference in the Hawaii Revised Statutes to "marriage," or any
10 aspect thereof, shall apply equally to "civil unions,"
11 including:

- 12 (1) Every reference in the Hawaii Revised Statutes to
13 "married" shall apply equally to the status of
14 partners in a civil union;
- 15 (2) Every reference to "husband," "wife," or "spouse"
16 shall apply equally to a partner in a civil union; and
- 17 (3) Every reference to marital status, including without
18 limitation provisions pertaining to parties and
19 procedures for annulment, divorce, separation, or
20 dissolution, shall apply equally and as necessary to
21 civil unions and to partners in a civil union.



1 SECTION 4. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun, before its effective date.

4 SECTION 5. Statutory material to be repealed is bracketed
5 and stricken.

6 SECTION 6. This Act shall take effect on January 1, 2010.



Report Title:

Civil Unions

Description:

Extends the same rights, benefits, protections, and responsibilities of spouses in a marriage to partners in a civil union. (HB444 HD1)

