**South Carolina General Assembly**

118th Session, 2009-2010

**S. 42**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Ford

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Introduced in the Senate on January 13, 2009

Currently residing in the Senate Committee on **Judiciary**

Summary: Civil Union Equality Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/10/2008 Senate Prefiled

12/10/2008 Senate Referred to Committee on **Judiciary**

1/13/2009 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2009\01-13-09.docx)‑91

1/13/2009 Senate Referred to Committee on **Judiciary** [SJ](file:///h:\SJ%20Archive\2009\01-13-09.docx)‑91

1/20/2010 Senate Referred to Subcommittee: Campbell (ch), Knotts, Campsen, Lourie

**VERSIONS OF THIS BILL**

[12/10/2008](file:///p:\pprever\2009-10\42_20081210.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 20‑1‑18 SO AS TO ENACT THE “CIVIL UNION EQUALITY ACT”, TO PROVIDE THAT TWO PERSONS MAY FORM A CIVIL UNION IF THEY ARE OF THE SAME SEX; TO PROVIDE THAT ALL LAWS APPLICABLE TO MARRIAGE APPLY TO CIVIL UNIONS AND THAT THE SAME BENEFITS, PROTECTIONS, RIGHTS, AND RESPONSIBILITIES UNDER THE LAW GRANTED TO SPOUSES IN A MARRIAGE ARE ALSO GRANTED TO THOSE JOINED IN A CIVIL UNION; TO DIRECT THE OFFICE OF VITAL STATISTICS TO KEEP A RECORD OF ALL CIVIL UNIONS FORMED AND THE DISSOLUTION OF SUCH UNIONS; TO PROVIDE THAT THE FAMILY COURT HAS JURISDICTION OVER ALL PROCEEDINGS RELATING TO THE DISSOLUTION OF A CIVIL UNION AND THE SAME RULES AND PROCEDURES THAT APPLY TO THE DISSOLUTION OF A MARRIAGE APPLY TO THE DISSOLUTION OF A CIVIL UNION; AND TO PROVIDE THAT THIS ACT MUST BE CONSTRUED LIBERALLY TO SECURE TO CIVIL UNIONS THE ATTRIBUTES, EFFECTS, BENEFITS, AND PROTECTIONS EQUAL TO THOSE AFFORDED MARRIAGE.

Whereas, the General Assembly finds that:

(1) South Carolina has a strong interest in promoting marriage because it encourages close, stable, and lasting families and fosters strong economic and social support systems among all family members.

(2) Marriage brings numerous benefits, responsibilities, and protections to spouses and their children.

(3) Without the protections, benefits, and responsibilities associated with marriage, same‑sex couples suffer many obstacles and hardships.

(4) Without affecting the status of marriage in this State, it is possible to create the legal entity of a civil union between persons of the same sex.

(5) Although civil unions are not equal to the status of marriage, they significantly improve the legal protections of same‑sex couples. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. This act may be cited as the “Civil Union Equality Act” and is enacted to ensure that eligible same‑sex couples are provided the opportunity to obtain the benefits, protections, rights, and responsibilities afforded to opposite‑sex couples by marriage.

SECTION 2. Article 1, Chapter 1, Title 20 of the 1976 Code is amended by adding:

“Section 20‑1‑18. (A)(1) Two persons, except mentally incompetent persons, may form a civil union if they are of the same sex.

(2) The provisions of Sections 20‑1‑10 and 20‑1‑15 and Section 15, Article XVII of the South Carolina Constitution prohibiting marriage between persons of the same sex do not apply to the forming of a civil union.

(B)(1) A civil union shall provide those joined in it with a legal status equivalent to marriage. All laws of this State that apply to marriage, whether they derive from statute, regulation, court rule, policy, common law, or any other source of civil law, also apply to civil unions.

(2) Parties joined in a civil union have all the same benefits, protections, rights, and responsibilities under law, whether they derive from statute, regulation, court rule, policy, common law, or any other source of civil law, as are granted to spouses in a marriage.

(3) Parties joined in a civil union are deemed to be included in any definition or use of the terms ‘spouse’, ‘family’, ‘immediate family’, ‘dependent’, ‘next of kin’, ‘husband’, ‘wife’, or other terms that denote the spousal relationship, as those terms are used throughout state law.

(4) The term ‘marriage’ as it is used throughout state law, whether in statutes, regulation, court rule, policy, common law, or any other source of civil law, must be read, interpreted, and understood to include marriages and civil unions.

(5) Parties to a civil union may modify the terms, conditions, or effects of their civil union in the same manner and to the same extent as married persons who execute a pre‑nuptial agreement or any other agreement recognized and enforceable under the law, setting forth particular understandings with respect to their union.

(C)(1) The Office of Vital Statistics shall provide civil union licenses and certificate forms to probate judges, and to clerks of court who are authorized to issue such licenses, and shall keep a record of all civil unions and the dissolution of civil unions.

(2) The Family Court has jurisdiction over all proceedings that relate to the dissolution of civil unions. The dissolution of civil unions follows the same rules and procedures, and civil unions are subject to the same substantive rights and obligations, that are involved in the dissolution of marriage.

(3) To the extent that state law adopts, refers to, or relies upon provisions of federal law, parties joined in civil unions must be treated under the law of this State as if federal law recognized a civil union in the same manner as the law of this State.

(4) This section must be construed liberally in order to secure to eligible same‑sex couples the option of a legal status with all the attributes, effects, benefits, and protections of marriage.”

SECTION 3. This act takes effect upon approval by the Governor.

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