

SENATE BILL 217

By Jackson

AN ACT to amend Tennessee Code Annotated, Title 36,
Chapter 3, relative to marriage.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-3-301(c), is amended by deleting the subsection and substituting:

(c)

(1) Gratuity received by a county mayor, county clerk, member of a county legislative body, or municipal mayor for the solemnization of a marriage, whether performed during or after such person's regular working hours, must be retained by such person as personal remuneration for such services, in addition to all other sources of compensation such person might receive, and such gratuity must not be paid into the county general fund or the treasury of such municipality.

(2) Notwithstanding subdivision (c)(1), a county mayor, county clerk, member of a county legislative body, and municipal mayor shall not charge a fee or demand compensation of any kind for the solemnization of a marriage under this part. Such a public officer who knowingly charges a fee or demands compensation of any kind for the solemnization of a marriage under this part commits a Class C misdemeanor, and such violation creates a rebuttable presumption that there is an actionable basis to institute ouster proceedings under title 8, chapter 47, or quo warranto proceedings under title 29, chapter 35, for the removal of the public officer from office.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.