

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 670

(Senator Zirkin)

Judicial Proceedings

Judiciary

Family Law - Marriage - Age Requirements

This bill repeals provisions authorizing individuals age 15 to marry under specified circumstances and establishes that individuals younger than age 16 may not marry.

Fiscal Summary

State Effect: Any minimal decrease in marriage license fee revenues does not materially impact State finances. Expenditures are not materially affected.

Local Effect: Any minimal decrease in marriage license fee revenues does not materially impact local finances. Expenditures are not materially affected.

Small Business Effect: None.

Analysis

Current Law: An individual younger than age 15 may not marry. An individual, age 16 or 17, may not marry unless (1) the individual has the consent of a parent or guardian, and the parent or guardian swears the individual is at least age 16 or (2) if the individual does not have consent, either party to be married presents the clerk of the circuit court a certificate from a licensed physician or physician assistant or certified nurse practitioner stating that an examination of the woman to be married demonstrates that she is pregnant or has given birth to a child. An individual who is age 15 may not marry without consent of a parent or guardian and a certificate from a medical professional, as specified above.

Background: According to the Pew Charitable Trusts, all states allow individuals younger than age 18 to marry but typically require permission of a judge or parent. Approximately

half of the states, including Maryland, set a minimum age for individuals wishing to marry; in the remaining states, individuals of any age may marry so long as they meet the necessary requirements (*e.g.*, permission from a parent). A recent law in Virginia requires individuals ages 16 and 17 to be emancipated before they can marry. Although legislation that passed in 2017 would have made New Jersey the first state to ban marriage for anyone younger than age 18, the Governor vetoed the bill.

Additional Information

Prior Introductions: HB 799 of 2017, a similar bill, passed the House and passed the Senate, as amended. SB 861 of 2017, an identical bill not designated as a cross file, passed the Senate as amended and passed the House as amended. Although conference committees were appointed for both bills, differences were not reconciled prior to Sine Die. HB 484 of 2017, a similar bill, was withdrawn. HB 911 of 2016, a similar bill, passed the House as amended and received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken.

Cross File: HB 191 (Delegate Atterbeary, *et al.*) - Judiciary.

Information Source(s): Baltimore and Charles counties; Judiciary (Administrative Office of the Courts); Pew Charitable Trusts; Department of Legislative Services

Fiscal Note History: First Reader - February 19, 2018
mm/kdm Third Reader - March 20, 2018
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