

# HOUSE BILL 1021

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By: **Delegates Heller and Vallario**

Introduced and read first time: February 15, 2010

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Prohibited Marriages – First Cousins**

3 FOR the purpose of prohibiting certain individuals who are first cousins from  
4 marrying; authorizing two individuals who are first cousins to marry if both  
5 individuals are over a certain age or if one individual can show proof that the  
6 individual is infertile; providing for the application of this Act; and generally  
7 relating to a prohibition on marriage between first cousins.

8 BY repealing and reenacting, with amendments,  
9 Article – Family Law  
10 Section 2–202  
11 Annotated Code of Maryland  
12 (2006 Replacement Volume and 2009 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article – Family Law**

16 2–202.

17 (a) Any marriage performed in this State that is prohibited by this section is  
18 void.

19 (b) (1) A man may not marry his:

20 (i) grandmother;

21 (ii) mother;

22 (iii) daughter;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (iv) sister; or

2 (v) granddaughter.

3 (2) A woman may not marry her:

4 (i) grandfather;

5 (ii) father;

6 (iii) son;

7 (iv) brother; or

8 (v) grandson.

9 (3) An individual who violates any provision of this subsection is  
10 guilty of a misdemeanor and on conviction is subject to a fine of \$1,500.

11 (c) (1) A man may not marry his:

12 (i) grandfather's wife;

13 (ii) wife's grandmother;

14 (iii) father's sister;

15 (iv) mother's sister;

16 (v) stepmother;

17 (vi) wife's mother;

18 (vii) wife's daughter;

19 (viii) son's wife;

20 (ix) grandson's wife;

21 (x) wife's granddaughter;

22 (xi) brother's daughter; [or]

23 (xii) sister's daughter; **OR**

1                   **(XIII) FIRST COUSIN, EXCEPT AS PROVIDED IN PARAGRAPH (3)**  
2 **OF THIS SUBSECTION.**

3           (2)    A woman may not marry her:

4                   (i)    grandmother's husband;

5                   (ii)   husband's grandfather;

6                   (iii)  father's brother;

7                   (iv)   mother's brother;

8                   (v)    stepfather;

9                   (vi)   husband's father;

10                  (vii)  husband's son;

11                  (viii)  daughter's husband;

12                  (ix)    husband's grandson;

13                  (x)    brother's son;

14                  (xi)   sister's son; [or]

15                  (xii)  granddaughter's husband; **OR**

16                   **(XIII) FIRST COUSIN, EXCEPT AS PROVIDED IN PARAGRAPH (3)**  
17 **OF THIS SUBSECTION.**

18           (3)    **TWO INDIVIDUALS WHO ARE FIRST COUSINS MAY MARRY IF:**

19                   **(I)    BOTH INDIVIDUALS ARE OVER THE AGE OF 65 YEARS;**

20 **OR**

21                   **(II)  ONE INDIVIDUAL CAN SHOW PROOF THAT THE**  
22 **INDIVIDUAL IS INFERTILE.**

23           (4)    An individual who violates any provision of this subsection is  
24 guilty of a misdemeanor and on conviction is subject to a fine of \$500.

25           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
26 construed to apply only prospectively and may not be applied or interpreted to have

1 any effect on or application to any marriage between first cousins before the effective  
2 date of this Act.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2010.