

HOUSE BILL 911

D4

6lr1263

By: **Delegates Atterbearly, Morales, Anderson, Conaway, Folden, Kelly, Lierman, Lisanti, McComas, Moon, Pendergrass, Rosenberg, Smith, Sydnor, Turner, Valderrama, B. Wilson, and C. Wilson**

Introduced and read first time: February 10, 2016

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 18, 2016

CHAPTER _____

1 AN ACT concerning

2 **Family Law – Marriage – Age Requirements**

3 FOR the purpose of ~~repealing certain provisions authorizing certain individuals under the~~
4 ~~age of majority to marry under certain circumstances~~ prohibiting, subject to a certain
5 exception, an individual under the age of 18 from marrying; authorizing an
6 individual 16 or 17 years old to marry under certain circumstances; making certain
7 conforming changes; and generally relating to marriage.

8 BY repealing and reenacting, with amendments,
9 Article – Family Law
10 Section 2–301, 2–402(f), and 2–405
11 Annotated Code of Maryland
12 (2012 Replacement Volume and 2015 Supplement)

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

15 **Article – Family Law**

16 2–301.

17 [(a) An individual 16 or 17 years old may not marry unless:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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1 (1) the individual has the consent of a parent or guardian and the parent
2 or guardian swears that the individual is at least 16 years old; or

3 (2) if the individual does not have the consent of a parent or guardian,
4 either party to be married gives the clerk a certificate from a licensed physician, licensed
5 physician assistant, or certified nurse practitioner stating that the physician, physician
6 assistant, or nurse practitioner has examined the woman to be married and has found that
7 she is pregnant or has given birth to a child.

8 (b) An individual 15 years old may not marry unless:

9 (1) the individual has the consent of a parent or guardian; and

10 (2) either party to be married gives the clerk a certificate from a licensed
11 physician, licensed physician assistant, or certified nurse practitioner stating that the
12 physician, physician assistant, or nurse practitioner has examined the woman to be
13 married and has found that she is pregnant or has given birth to a child.

14 (c) ~~Am~~ (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,
15 AN individual under the age of [15] 18 may not marry.

16 (B) (1) AN INDIVIDUAL 16 OR 17 YEARS OLD MAY MARRY IF:

17 (I) THE INDIVIDUAL HAS THE CONSENT OF A PARENT OR
18 GUARDIAN AND THE PARENT OR GUARDIAN SWEARS THAT THE INDIVIDUAL IS AT
19 LEAST 16 YEARS OLD;

20 (II) THE OTHER PARTY IS NO MORE THAN 4 YEARS OLDER THAN
21 THE INDIVIDUAL; AND

22 (III) A JUDGE OF THE CIRCUIT COURT, AFTER AN EVIDENTIARY
23 HEARING, GRANTS A PETITION FOR A MARRIAGE LICENSE FILED BY THE PARENT OR
24 GUARDIAN.

25 (2) IN MAKING A DETERMINATION ON A PETITION FOR A MARRIAGE
26 LICENSE UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION, THE JUDGE SHALL
27 CONSIDER WHETHER:

28 (I) 1. IT IS THE MINOR'S OWN WILL TO ENTER INTO THE
29 MARRIAGE; OR

30 2. THE MINOR IS BEING COMPELLED TO ENTER INTO THE
31 MARRIAGE AGAINST THE MINOR'S WILL BY FORCE, THREATS, PERSUASION, MENACE,
32 OR DURESS;

1 (II) THE PARTIES TO BE MARRIED ARE MATURE ENOUGH TO
 2 MAKE A DECISION TO MARRY; AND

3 (III) THE MARRIAGE WILL ENDANGER THE SAFETY OF THE
 4 MINOR.

5 (3) IN MAKING A FINDING UNDER PARAGRAPH (2)(III) OF THIS
 6 SUBSECTION, THE COURT SHALL CONSIDER:

7 (I) WHETHER EITHER INDIVIDUAL TO BE MARRIED HAS BEEN
 8 CONVICTED OF:

9 1. A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF
 10 THE CRIMINAL LAW ARTICLE;

11 2. ASSAULT IN THE SECOND DEGREE;

12 3. BATTERY; OR

13 4. ANY DOMESTICALLY RELATED CRIME; AND

14 (II) ANY HISTORY OF VIOLENCE BETWEEN THE PARTIES TO BE
 15 MARRIED.

16 2-402.

17 (f) Until a license becomes effective, a clerk may not disclose the fact that
 18 an application for a license has been made [except to the parent or guardian of a party to
 19 be married].

20 2-405.

21 (a) The clerk for the county in which a marriage ceremony is to be performed may
 22 issue and deliver a license at the time the application is made.

23 (b) A license may be issued only at the office of the clerk during regular office
 24 hours.

25 (c) ~~f(1)~~ If either party to be married is known to be of an age where the parental
 26 or guardian's consent and oath, ~~or the licensed physician's certificate~~ AND AN ORDER OF
 27 COURT GRANTING A PETITION FOR A MARRIAGE LICENSE, required by § 2-301 of this
 28 title, is required, the clerk shall obtain the consent and oath ~~or the certificate~~ AND A COPY
 29 OF THE ORDER OF COURT before issuing the license.

30 (2) ~~(i)~~ The clerk's record required under this title shall include:

1 (ii) a list of the family planning clinics located in the county where
2 the license is issued.

3 (2) When the clerk issues a license, the clerk shall make the information
4 and list available to each applicant for a license.

5 ~~[(h)] (c)~~ (1) A clerk may not predate an application for a license.

6 (2) A clerk who violates any provision of this subsection is guilty of a
7 misdemeanor and on conviction is subject:

8 (i) for a first offense, to a fine not exceeding \$100; and

9 (ii) for each subsequent offense, to a fine not exceeding \$500 or
10 imprisonment not exceeding 90 days or both.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2016.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.