

SENATE BILL 861

D4
HB 911/16 – JUD

7lr1743
CF HB 484

By: **Senators Smith, Guzzone, Kelley, Muse, and Ramirez**

Introduced and read first time: February 3, 2017

Assigned to: Judicial Proceedings

A BILL ENTITLED

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; making certain conforming
5 changes; and generally relating to marriage.

6 BY repealing and reenacting, with amendments,
7 Article – Family Law
8 Section 2–301, 2–402(e), and 2–405
9 Annotated Code of Maryland
10 (2012 Replacement Volume and 2016 Supplement)

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

13 **Article – Family Law**

14 2–301.

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

7 (c) An individual under the age of [15] 18 may not marry.

8 2-402.

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

12 2-405.

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

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

17 (c) [(1) If either party to be married is known to be of an age where the parental
18 or guardian's consent and oath, or the licensed physician's certificate, required by § 2-301
19 of this title, is required, the clerk shall obtain the consent and oath or the certificate before
20 issuing the license.

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

22 1. the consent and oath required by § 2-301 of this title, if
23 written; or

24 2. the fact that consent was given and an oath was made, if
25 given and made in person.

26 (ii) The licensed physician's certificate required by § 2-301 of this
27 title may not be made a part of the clerk's record.

28 (3) After an individual has been issued a license in accordance with the
29 provisions of this subtitle, the clerk who issued the license shall seal the licensed
30 physician's certificate. Except on order of the court, the licensed physician's certificate shall
31 remain sealed.

1 (d)] (1) Except as provided in paragraph (2) of this subsection, a license is not
2 effective until 6 a.m. on the second calendar day after the license is issued.

3 (2) For good cause shown, a judge of the circuit court for the county in
4 which the application is made may sign an authorization for a license to become effective
5 at a time before the waiting period expires, as stated in the authorization, if 1 of the parties
6 to be married is:

7 (i) a resident of this State; or

8 (ii) a member of the United States armed forces.

9 [(e)] (D) If, during the questioning of an applicant for a license, the clerk finds
10 that there is a legal reason why the applicants should not be married, the clerk shall
11 withhold the license unless ordered by the court to issue the license.

12 [(f)] (E) A license may be delivered personally or by mail to:

13 (1) either of the parties to be married; or

14 (2) any person authorized in writing by either of the parties to accept
15 delivery.

16 [(g)] (F) (1) The Department of Health and Mental Hygiene shall provide to
17 each clerk:

18 (i) birth control information; and

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

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

23 [(h)] (G) (1) A clerk may not predate an application for a license.

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

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

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

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2017.