

Amendment to HB 499

1 Amend the title of the bill by replacing it with the following:

2
3 AN ACT relative to the age at which persons may marry.

4
5 Amend the bill by replacing all after the enacting clause with the following:

6
7 1 Marriageable; Age of Consent. Amend RSA 457:4 and 457:5 to read as follows:

8 457:4 Marriageable. ~~[No male below the age of 14 years and no female below the age of 13~~
9 ~~years shall be capable of contracting a valid marriage that is entered into by one male and one~~
10 ~~female, and all marriages contracted by such persons shall be null and void.]~~ No male below the age
11 of 18 and no female below the age of 18 shall be capable of contracting a valid marriage ~~[between~~
12 ~~persons of the same gender]~~, and all marriages contracted by such persons shall be null and void.

13 457:5 Of Consent. The age of consent shall be in the male and in the female, 18 years. Any
14 marriage contracted by a person below the age of consent~~[, except as hereinafter provided, may in~~
15 ~~the discretion of the superior court be annulled at the suit of the party who at the time of~~
16 ~~contracting such marriage was below the age of consent, or at the suit of his or her parent or~~
17 ~~guardian, unless such party after arriving at such age shall have confirmed the marriage]~~ **shall be**
18 **null and void; provided that any marriage recognized as valid in the state prior to the**
19 **effective date of this section and RSA 457:4 shall continue to be recognized as valid on or**
20 **after the effective date of this section.**

21 2 Marriage; Prohibitions. Amend RSA 457:8 to read as follows:

22 457:8 Prohibitions. No town clerk shall issue any certificate for the marriage of any person
23 below the age of consent, and no magistrate or minister of religion shall solemnize the marriage of
24 any such person, if such clerk, magistrate or minister knows or has reasonable cause to believe that
25 such person is below such age~~[, unless permission for such marriage has been given under this~~
26 ~~subdivision]~~. No magistrate or minister of religion shall solemnize any marriage by proxy.

27 3 Marriage Registration Form; Reference to Waiver for Age Removed. Amend RSA 5-C:41, III
28 to read as follows:

29 III. The clerk of the town or city shall complete the following statistical and legal
30 information on the marriage application worksheet for both the bride and groom with information
31 supplied by the bride and groom: the number which represents of the currently intended marriage;

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1 if previously married, whether a civil annulment occurred or the marriage ended by death or
2 divorce; the date of civil annulment or that the last marriage ended; their race and ancestry; their
3 level of education; any ~~[waivers]~~***waiver for time*** presented by the groom or the bride, ~~[either for~~
4 ~~time or age pursuant to RSA 457:4 through RSA 457:9 or]~~ ***pursuant to*** RSA 457:26 ~~[and~~
5 ~~RSA 457:27]~~; whether proof of age of the bride and groom was demonstrated using identification
6 with photograph; if applicable, the divorce decree; and, if applicable, the death record of the former
7 spouse.

8 4 Documentation of Marriage; Procedure for Waiver of 3-Day Waiting Period. RSA 457:28 is
9 repealed and reenacted to read as follows:

10 457:28 Procedure. Upon receipt of an application under RSA 457:27, the court shall at once
11 hear the parties, and, if satisfied that special cause exists for shortening the period of 3 days
12 provided in RSA 457:26, shall grant permission therefor, which shall be filed with the court and
13 shall be reported to the division of vital records. The division shall note the fact of the granting of
14 such permission upon the certificate and upon all copies thereof which are by law required to be
15 kept.

16 5 Powers and Duties of Guardians of Minors; Reference Change. Amend RSA 463:12, III(e) to
17 read as follows:

18 (e) Consent to the ~~[marriage or]~~ adoption of the minor as provided in RSA 170-B:5 ~~[and~~
19 ~~RSA 457:6]~~.

20 6 Repeal. The following are repealed:

- 21 I. RSA 5-C:41, XIV, relative to the marriage registration form for a minor.
22 II. RSA 5-C:45, relative to marriage by minors.
23 III. RSA 457:6, relative to petition by party under age.
24 IV. RSA 457:7, relative to permission for minor to marry.
25 V. RSA 457:28-b, relative to destruction of records related to petition.
26 VI. RSA 547:3, II(c), relative to probate court jurisdiction over waivers for marriage of
27 minors.

28 7 Effective Date. This act shall take effect January 1, 2018.

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AMENDED ANALYSIS

This bill requires individuals to be at least 18 years of age to marry.