

CHAPTER 271
HB 1586 - FINAL VERSION

10May2018... 1939-EBA

2018 SESSION

18-2361
05/03

HOUSE BILL ***1586***

AN ACT relative to judicial review for underage marriage.

SPONSORS: Rep. Cilley, Straf. 4; Rep. Altschiller, Rock. 19; Rep. Gourgue, Straf. 25;
Rep. Rosenwald, Hills. 30; Rep. Lerner, Rock. 4; Rep. Read, Rock. 17; Sen.
Soucy, Dist 18

COMMITTEE: Children and Family Law

ANALYSIS

This bill prohibits the court from granting permission for a marriage involving a minor if the other party, but for the marriage, would be guilty of sexual assault.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struck through.]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in
regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eighteen

AN ACT relative to judicial review for underage marriage.

Be it Enacted by the Senate and House of Representatives in General Court convened:

271:1 Marriages; Granting of Permission. Amend RSA 457:7 to read as follows:

457:7 Granting of Permission.

I. Such justice or judge shall at once hear the parties, and, if satisfied that special cause exists making such marriage desirable, shall grant permission therefor, which shall be filed with the court and shall be reported to the division of vital records. The division shall note the fact of the granting of such permission upon the certificate and upon all copies thereof which are by law required to be kept.

II. *In no circumstance shall a justice or judge grant permission to marry under this section if sexual contact or sexual penetration between the parties would, but for the solemnization of the proposed marriage, constitute sexual assault, felonious sexual assault, or aggravated felonious sexual assault under RSA 632-A.*

271:2 Marriages; Granting of Permission. Amend RSA 457:7 to read as follows:

457:7 Granting of Permission.

I. Such justice or judge shall at once hear the parties, and, if satisfied that it has been shown by clear and convincing evidence that the marriage is in the best interest of the person or persons below the age of consent, shall grant permission therefor, which shall be filed with the court and shall be reported to the division of vital records. The division shall note the fact of the granting of such permission upon the certificate and upon all copies thereof which are by law required to be kept.

II. *In no circumstance shall a justice or judge grant permission to marry under this section if sexual contact or sexual penetration between the parties would, but for the solemnization of the proposed marriage, constitute sexual assault, felonious sexual assault, or aggravated felonious sexual assault under RSA 632-A.*

271:3 Contingency. If HB 1661 of the 2018 regular legislative session becomes law then section 2 of this act shall take effect January 1, 2019 at 12:01 a.m. and section 1 of this act shall not take effect. If HB 1661 of the 2018 regular legislative session does not become law then section 1 of this act shall take effect January 1, 2019 and section 2 of this act shall not take effect.

271:4 Effective Date.

I. Sections 1 and 2 of this act shall take effect as provided in section 3 of this act.

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II. The remainder of this act shall take effect upon its passage.

Approved: June 18, 2018

Effective Date:

I. Sections 1 & 2 shall take effect as provided in section 3.

II. Remainder shall take effect June 18, 2018.