HOUSE BILL 484

D4 HB 911/16 – JUD CF 7lr1743

By: Delegates Atterbeary, Anderson, Angel, Cluster, Conaway, Dumais, Frick, Glass, Hettleman, Hill, Kaiser, Kelly, Kittleman, Lierman, Lisanti, Malone, McComas, McIntosh, McKay, Moon, Morhaim, Pendergrass, Proctor, Rey, Reznik, Sanchez, Sydnor, Turner, Valderrama, B. Wilson, and C. Wilson

Introduced and read first time: January 27, 2017

Assigned to: Judiciary

AN ACT concerning

A BILL ENTITLED

2 Family Law - Marriage - Age Requirements 3 FOR the purpose of prohibiting, subject to a certain exception, an individual under the age 4 of 18 from marrying; authorizing an individual 16 or 17 years old to marry under certain circumstances; making certain conforming changes; and generally relating 5 6 to marriage. 7 BY repealing and reenacting, with amendments, 8 Article – Family Law 9 Section 2–301, 2–402(e), and 2–405 Annotated Code of Maryland 10

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND.

13 That the Laws of Maryland read as follows:

14 Article – Family Law

15 2-301.

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

(2012 Replacement Volume and 2016 Supplement)

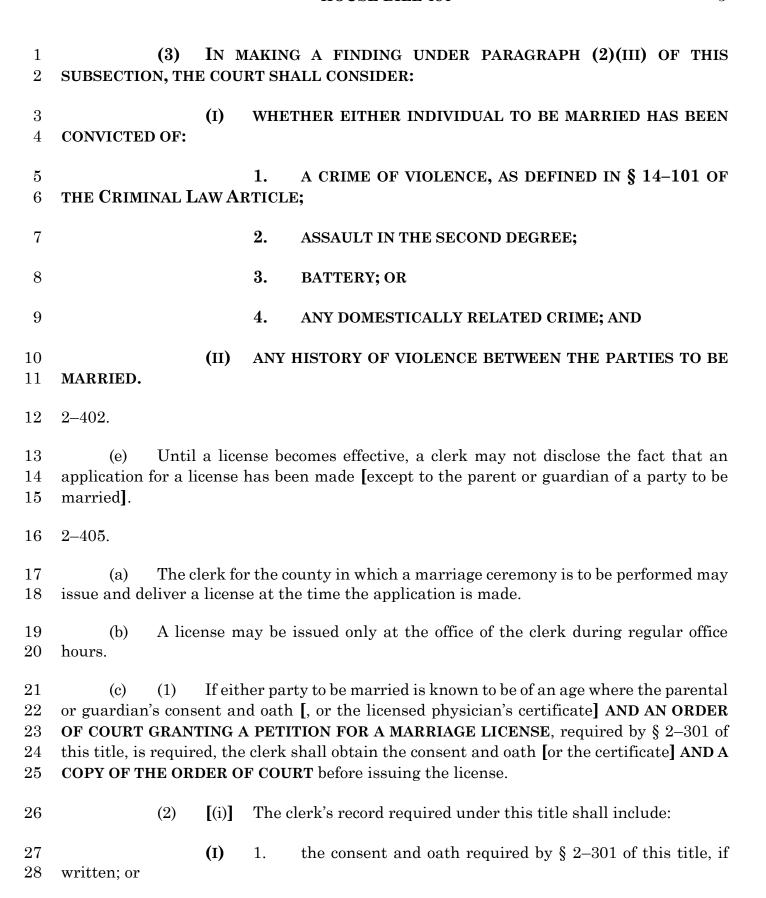
- 17 (1) the individual has the consent of a parent or guardian and the parent 18 or guardian swears that the individual is at least 16 years old; or
- 19 (2) if the individual does not have the consent of a parent or guardian, 20 either party to be married gives the clerk a certificate from a licensed physician, licensed

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

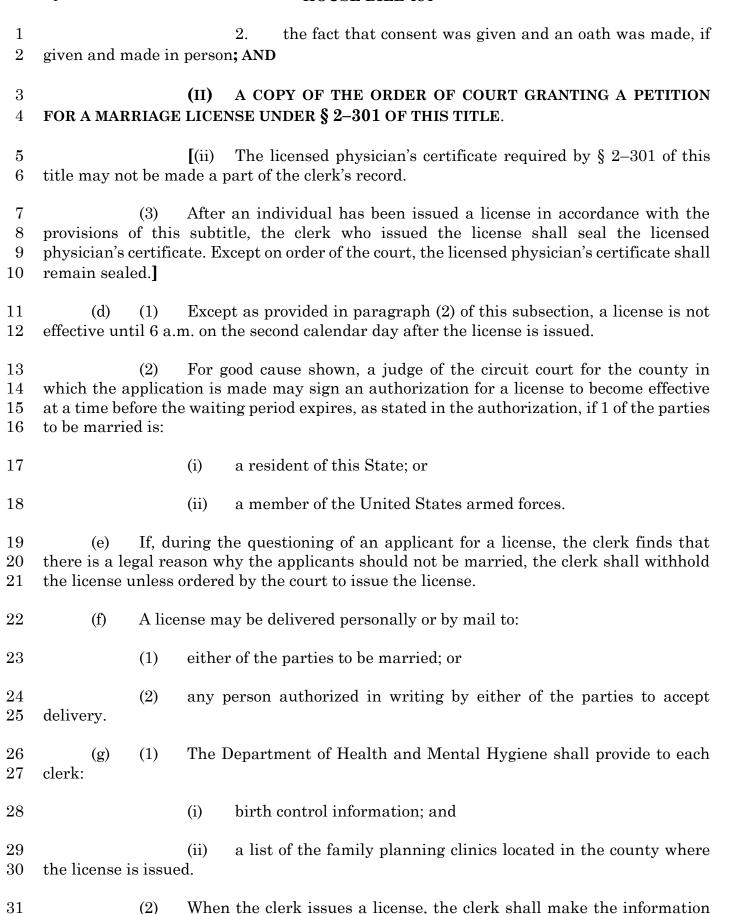


- 1 physician assistant, or certified nurse practitioner stating that the physician, physician
- 2 assistant, or nurse practitioner has examined the woman to be married and has found that
- 3 she is pregnant or has given birth to a child.
- 4 (b) An individual 15 years old may not marry unless:
- 5 (1) the individual has the consent of a parent or guardian; and
- 6 (2) either party to be married gives the clerk a certificate from a licensed 7 physician, licensed physician assistant, or certified nurse practitioner stating that the
- 8 physician, physician assistant, or nurse practitioner has examined the woman to be
- 9 married and has found that she is pregnant or has given birth to a child.]
- 10 [(c)] (A) [An] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,
- 11 AN individual under the age of [15] 18 may not marry.
- 12 (B) (1) AN INDIVIDUAL 16 OR 17 YEARS OLD MAY MARRY IF:
- 13 (I) THE INDIVIDUAL HAS THE CONSENT OF A PARENT OR
- 14 GUARDIAN AND THE PARENT OR GUARDIAN SWEARS THAT THE INDIVIDUAL IS AT
- 15 LEAST 16 YEARS OLD;
- 16 (II) THE OTHER PARTY IS NO MORE THAN 4 YEARS OLDER THAN
- 17 THE INDIVIDUAL; AND
- 18 (III) A JUDGE OF THE CIRCUIT COURT, AFTER AN EVIDENTIARY
- 19 HEARING, GRANTS A PETITION FOR A MARRIAGE LICENSE FILED BY THE PARENT OR
- 20 GUARDIAN.
- 21 (2) IN MAKING A DETERMINATION ON A PETITION FOR A MARRIAGE
- 22 LICENSE UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION, THE JUDGE SHALL
- 23 CONSIDER WHETHER:
- 24 (I) 1. IT IS THE MINOR'S OWN WILL TO ENTER INTO THE
- 25 MARRIAGE; OR
- 26 THE MINOR IS BEING COMPELLED TO ENTER INTO THE
- 27 MARRIAGE AGAINST THE MINOR'S WILL BY FORCE, THREATS, PERSUASION, MENACE,
- 28 OR DURESS;
- 29 (II) THE PARTIES TO BE MARRIED ARE MATURE ENOUGH TO
- 30 MAKE A DECISION TO MARRY; AND
- 31 (III) THE MARRIAGE WILL ENDANGER THE SAFETY OF THE
- 32 MINOR.



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and list available to each applicant for a license.



(h) A clerk may not predate an application for a license. 1 (1) A clerk who violates any provision of this subsection is guilty of a 2(2) 3 misdemeanor and on conviction is subject: 4 for a first offense, to a fine not exceeding \$100; and (i) 5 (ii) for each subsequent offense, to a fine not exceeding \$500 or imprisonment not exceeding 90 days or both. 6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 7

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October 1, 2017.