



# SENATE BILL 35: Max 4-Yr Age Diff to Marry Under 18 Yrs.

2021-2022 General Assembly

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<b>Committee:</b>		<b>Date:</b>	February 4, 2022
<b>Introduced by:</b>		<b>Prepared by:</b>	Brad Krehely Staff Attorney
<b>Analysis of:</b>	S.L. 2021-119		

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**OVERVIEW:** *S.L. 2021-119 amends the lawful age of marriage to 16 years of age or older and provides a maximum four-year age difference for a 16- or 17- year-old to marry. The act became effective August 26, 2021, and applies to marriage licenses pending or issued on or after that date.*

## CURRENT LAW:

### G.S. 51-2 Generally:

A person 18 years or older can marry.

A 16 or 17 year-old can marry with a filed written consent by a parent or guardian.

A 14 or 15 year-old can marry under special circumstances.

No one under 14 years old can marry.

G.S. 51-2.1 A 14 or 15 year-old who is expecting a child or already has a child can marry the other parent of the child if both parties agree and the marriage is authorized by a district court judge.

G.S. 14-27.25 First degree statutory rape (vaginal intercourse with a person 15 years of age or younger, by someone over 12 years old and at least six years older than the person), is a Class B1 felony unless the two people are lawfully married. Second degree statutory rape (vaginal intercourse with a person 15 years of age or younger, by someone over 12 years old and more than four years, but less than six years, older than the person), is a Class C felony unless the two people are lawfully married.

## BILL ANALYSIS:

**Section 1** raises the legal age to marry from age 14 to age 16. It also provides a maximum four-year age difference for persons over 16 and under 18 to marry and requires them to file a certified copy of an order issued by a district court judge allowing the marriage under G.S. 51-2.1 or get written consent by a parent or guardian as allowed under current law.

**Section 2** makes conforming changes in G.S. 51-2.1 to allow a district court judge to issue an order authorizing a marriage between a person over 16 and under 18 to a person no more than 4 years older. It deletes language allowing a 14 or 15-year-old to marry in certain circumstances.

**Section 3** makes a conforming change to G.S. 51-3, a statute dealing with lack of capacity to marry, void marriages, and voidable marriages.

**EFFECTIVE DATE:** This act became effective August 26, 2021, and applies to marriage licenses pending or issued on or after that date.

\*Jennifer Bedford, Staff Attorney for the Legislative Analysis Division, contributed substantially to the drafting of this summary.

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