



This Bill Analysis reflects the contents of the bill as it was presented in committee.

# SENATE BILL 35: Amend Lawful Age to Marry/18 Years of Age.

2021-2022 General Assembly

<b>Committee:</b>	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	<b>Date:</b>	April 28, 2021
<b>Introduced by:</b>	Sens. Sawyer, Britt, Foushee	<b>Prepared by:</b>	Jennifer Bedford
<b>Analysis of:</b>	First Edition		Staff Attorney

**OVERVIEW:** Senate Bill 35 would amend the lawful age to enter into marriage in North Carolina to 18 years of age or older.

[As introduced, this bill was identical to H41, as introduced by Reps. Saine, K. Baker, Clemmons, Turner, which is currently in House Families, Children, and Aging Policy.]

### CURRENT LAW:

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

- A person 18 years or older may marry.
- A 16 or 17 year-old may marry with a filed written consent by a parent or guardian.
- A 14 or 15 year-old may 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 may 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** makes 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), a Class B1 felony unless the two people are lawfully married.

### BILL ANALYSIS:

**Section 1** would:

- Eliminate authorization for anyone under 18 years old to marry.
- Repeal the law that allows marriage of certain underage parties (G.S. 51-2.1) and related definitions (G.S. 51-2.2).

**Sections 2-5** would make conforming changes by removing references to people under 18 years old seeking a marriage license.

**EFFECTIVE DATE:** This bill would be effective when it becomes law and apply to marriage licenses pending or issued on or after that date.

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