



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

2021-2022 General Assembly

Committee:	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	Date:	April 28, 2021
Introduced by:	Sens. Sawyer, Britt, Foushee	Prepared by:	Jennifer H. Bedford
Analysis of:	PCS to First Edition S35-CSTT-11		Staff Attorney

OVERVIEW: *The PCS for Senate Bill 35 would provide a maximum four year age difference for a person under 18 years of age, to marry.*

[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 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), 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 at least four years older), is a Class C felony unless the two people are lawfully married.

BILL ANALYSIS:

Section 1 would create a four year maximum age difference between people under 18 years of age, to marry.

Sections 2 would add a four year maximum age difference to all provisions that allow marriage of people under 18, in addition to the provisions in current law that require a 16 or 17 year-old to have a guardian’s permission, and that a 14 or 15 year old that is expecting a child or already has a child may marry with court approval.

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

Jeffrey Hudson
Director



Legislative Analysis
Division
919-733-2578