



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

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

2021-2022 General Assembly

<b>Committee:</b> Senate Rules and Operations of the Senate	<b>Date:</b> May 7, 2021
<b>Introduced by:</b> Sens. Sawyer, Britt, Foushee	<b>Prepared by:</b> Jennifer H. Bedford
<b>Analysis of:</b> Second Edition	Staff Attorney

**OVERVIEW:** 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