

STATE OF NEW YORK

7931

IN SENATE

March 3, 2020

Introduced by Sen. SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the domestic relations law, in relation to increasing the age of consent for purposes of marriage to the age of eighteen; and to repeal certain provisions of such law relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 15-a of the domestic relations law, as amended by
2 chapter 35 of the laws of 2017, is amended to read as follows:

3 § 15-a. Marriages of minors under [~~seventeen~~ eighteen] years of age.
4 Any marriage in which either party is under the age of [~~seventeen~~ eighteen]
5 years is hereby prohibited. Any town or city clerk who shall know-
6 ingly issue a marriage license to any persons, one or both of whom shall
7 be at the time of their contemplated marriage actually under the age of
8 [~~seventeen~~ eighteen] years, shall be guilty of a misdemeanor and on
9 conviction thereof shall be fined in the sum of one hundred dollars.

10 § 2. Section 13-b of the domestic relations law, as amended by chapter
11 35 of the laws of 2017, is amended to read as follows:

12 § 13-b. Time within which marriage may be solemnized. A marriage shall
13 not be solemnized within twenty-four hours after the issuance of the
14 marriage license, unless authorized by an order of a court of record as
15 hereinafter provided, nor shall it be solemnized after sixty days from
16 the date of the issuance of the marriage license unless authorized
17 pursuant to section three hundred fifty-four-d of the executive law.
18 Every license to marry hereafter issued by a town or city clerk, in
19 addition to other requirements specified by this chapter, must contain a
20 statement of the day and the hour the license is issued and the period
21 during which the marriage may be solemnized. It shall be the duty of the
22 clergyman or magistrate performing the marriage ceremony, or if the
23 marriage is solemnized by written contract, of the judge before whom the
24 contract is acknowledged, to annex to or endorse upon the marriage
25 license the date and hour the marriage is solemnized. A judge or justice
26 of the supreme court of this state or the county judge of the county in
27 which either party to be married resides, or [~~if such party is at least~~

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 ~~seventeen years of age,~~] the judge of the family court of such county,
2 if it shall appear from an examination of the license and any other
3 proofs submitted by the parties that one of the parties is in danger of
4 imminent death, or by reason of other emergency public interest will be
5 promoted thereby, or that such delay will work irreparable injury or
6 great hardship upon the contracting parties, or one of them, may, ~~[upon~~
7 ~~making written affirmative findings under subdivision three of section~~
8 ~~fifteen of this article,~~] make an order authorizing the immediate solem-
9 nization of the marriage and upon filing such order with the clergyman
10 or magistrate performing the marriage ceremony, or if the marriage is to
11 be solemnized by written contract, with the judge before whom the
12 contract is acknowledged, such clergyman or magistrate may solemnize
13 such marriage, or such judge may take such acknowledgment as the case
14 may be, without waiting for such three day period and twenty-four hour
15 period to elapse. The clergyman, magistrate or judge must file such
16 order with the town or city clerk who issued the license within five
17 days after the marriage is solemnized. Such town or city clerk must
18 record and index the order in the book required to be kept by him or her
19 for recording affidavits, statements, consents and licenses, and when so
20 recorded the order shall become a public record and available in any
21 prosecution under this section. A person who shall solemnize a marriage
22 in violation of this section shall be guilty of a misdemeanor and upon
23 conviction thereof shall be punished by a fine of fifty dollars for each
24 offense, and in addition thereto, his or her right to solemnize a
25 marriage shall be suspended for ninety days.

26 § 3. Section 25 of the domestic relations law is amended to read as
27 follows:

28 § 25. License, when to be obtained. The provisions of this article
29 pertaining to the granting of the licenses before a marriage can be
30 lawfully celebrated apply to all persons who assume the marriage
31 relation in accordance with subdivision four of section eleven of this
32 chapter. Nothing in this article contained shall be construed to render
33 void by reason of a failure to procure a marriage license any marriage
34 solemnized between persons of full age ~~[nor to render void any marriage~~
35 ~~between minors or with a minor under the legal age of consent where the~~
36 ~~consent of parent or guardian has been given and such marriage shall be~~
37 ~~for such cause voidable only as to minors or a minor upon complaint of~~
38 ~~such minors or minor or of the parent or guardian thereof].~~

39 § 4. Subdivision 1 of section 7 of the domestic relations law, as
40 amended by chapter 313 of the laws of 1962, is amended to read as
41 follows:

42 1. Is under the age of legal consent, which is eighteen years~~[~~
43 ~~provided that such nonage shall not of itself constitute an absolute~~
44 ~~right to the annulment of such marriage, but such annulment shall be in~~
45 ~~the discretion of the court which shall take into consideration all the~~
46 ~~facts and circumstances surrounding such marriage];~~

47 § 5. Subdivision 3 of section 15 of the domestic relations law is
48 REPEALED.

49 § 6. Paragraph c of subdivision 1 of section 11-a of the domestic
50 relations law is REPEALED.

51 § 7. Section 84 of the domestic relations law is REPEALED.

52 § 8. This act shall take effect on the thirtieth day after it shall
53 have become a law and shall apply to licenses issued on and after such
54 effective date and to marriages that have not been solemnized prior to
55 such effective date.