# STATE OF NEW YORK

3086

2021-2022 Regular Sessions

# IN SENATE

January 27, 2021

Introduced by Sens. SALAZAR, BAILEY, BENJAMIN, BIAGGI, BOYLE, COMRIE, HOYLMAN, JACKSON, KAPLAN, KRUEGER, MAY, MAYER, MYRIE, RAMOS, RIVERA, SEPULVEDA -- 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:**

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

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

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

§ 13-b. Time within which marriage may be solemnized. A marriage shall not be solemnized within twenty-four hours after the issuance of the marriage license, unless authorized by an order of a court of record as hereinafter provided, nor shall it be solemnized after sixty days from the date of the issuance of the marriage license unless authorized pursuant to section three hundred fifty-four-d of the executive law. Every license to marry hereafter issued by a town or city clerk, in addition to other requirements specified by this chapter, must contain a statement of the day and the hour the license is issued and the period during which the marriage may be solemnized. It shall be the duty of the clergyman or magistrate performing the marriage ceremony, or if the

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

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marriage is solemnized by written contract, of the judge before whom the contract is acknowledged, to annex to or endorse upon the marriage license the date and hour the marriage is solemnized. A judge or justice of the supreme court of this state or the county judge of the county in which either party to be married resides, or [~~if such party is at least seventeen years of age,~~] the judge of the family court of such county, if it shall appear from an examination of the license and any other proofs submitted by the parties that one of the parties is in danger of imminent death, or by reason of other emergency public interest will be promoted thereby, or that such delay will work irreparable injury or great hardship upon the contracting parties, or one of them, may, [~~upon making written affirmative findings under subdivision three of section fifteen of this article,~~] make an order authorizing the immediate solemnization of the marriage and upon filing such order with the clergyman or magistrate performing the marriage ceremony, or if the marriage is to be solemnized by written contract, with the judge before whom the contract is acknowledged, such clergyman or magistrate may solemnize such marriage, or such judge may take such acknowledgment as the case may be, without waiting for such three day period and twenty-four hour period to elapse. The clergyman, magistrate or judge must file such order with the town or city clerk who issued the license within five days after the marriage is solemnized. Such town or city clerk must record and index the order in the book required to be kept by him or her for recording affidavits, statements, consents and licenses, and when so recorded the order shall become a public record and available in any prosecution under this section. A person who shall solemnize a marriage in violation of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of fifty dollars for each offense, and in addition thereto, his or her right to solemnize a marriage shall be suspended for ninety days.

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

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

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

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

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

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

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

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