

Hall of the House of Representatives
86th General Assembly - Regular Session, 2007
Amendment Form

Subtitle of House Bill No. 1373

"TO AMEND PROVISIONS OF THE ARKANSAS CODE TO RECONCILE
INCONSISTENCIES REGARDING THE MINIMUM AGE TO MARRY."

Amendment No. 1 to House Bill No. 1373.

Amend House Bill No. 1373 as originally introduced:

Page 1, delete lines 24 through 36, and substitute the following:

"(a) ~~Every male who has arrived at the full age of seventeen (17) years and every female who has arrived at the full age of sixteen (16) years shall be capable in law of contracting marriage~~ Unless otherwise provided by law, a person must be eighteen (18) years of age to obtain a marriage license. Any person who is eighteen (18) years of age or older is competent to enter into a contract for marriage and to obtain a marriage license."

AND

Page 2, delete lines 1 through 26, and substitute the following:

"(b)(1) ~~However, males and females under the age of eighteen (18) years shall furnish the clerk, before the marriage license can be issued, satisfactory evidence of the consent of the parent or parents or guardian to the marriage~~ In order for a person who is younger than eighteen (18) years of age and who is not pregnant to obtain a marriage license, the person must provide the county clerk with evidence of parental consent to the marriage.

(2) ~~The consent of both parents of each contracting party shall be necessary before the marriage license can be issued by the clerk unless the parents have been divorced and custody of the child has been awarded to one (1) of the parents exclusive of the other, or unless the custody of the child has been surrendered by one (1) of the parents through abandonment or desertion, in which cases the consent of the parent who has custody of the child shall be sufficient~~ The county clerk may issue a marriage license to a person who is younger than eighteen (18) years of age and who is not pregnant after the county clerk receives satisfactory evidence of parental consent to the marriage under subsection (c) of this section.

(c)(1) As used in this subchapter, "parental consent" means the consent of both parents of a person under eighteen (18) years of age who wishes to enter into a contract for marriage.

(2)(A) However, except as provided in subdivision (c)(2)(B) of this section, the consent of one (1) parent who has custody of the person under eighteen (18) years of age will constitute parental consent if:



(i) The parents of the person have been divorced and custody of the person has been awarded to one (1) of the parents exclusive of the other;

(ii) The custody of the person has been surrendered by one (1) of the parents through abandonment or desertion; or

(iii) Paternity has been determined by a court of competent jurisdiction and the court has awarded custody to the man adjudged to be the father of the child.

(B) If a court of competent jurisdiction has appointed a guardian of the person under eighteen (18) years of age, the consent of the guardian will constitute parental consent."

AND

Page 4, delete line 7, and substitute the following:

"judge's order on file in the county clerk's office with the other papers.

SECTION 3. Arkansas Code § 9-11-208(a), concerning the prohibition of the issuance of a marriage license to persons under age, is repealed.

~~(a) No license shall be issued to persons to marry unless and until the female shall attain the age of sixteen (16) years and the male the age of seventeen (17) years and then only by written consent by a parent or guardian until the male shall have attained the age of eighteen (18) years and the female the age of eighteen (18) years."~~

The Amendment was read _____
By: Representative Bond
GRH/KSW - 02-21-2007 11:18
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Chief Clerk