

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 466

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO MARRIAGE; AMENDING SECTION 32-202, IDAHO CODE, TO PROHIBIT MARRIAGE BETWEEN CERTAIN PERSONS AND TO MAKE A TECHNICAL CORRECTION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 32-202, Idaho Code, be, and the same is hereby amended to read as follows:

32-202. PERSONS WHO MAY MARRY. Any unmarried male of the age of eighteen (18) years or older, and any unmarried female of the age of eighteen (18) years or older, and not otherwise disqualified, are capable of consenting to and consummating marriage. A minor under eighteen (18) and not less than sixteen (16) years of age may not contract marriage with a person of the age of majority where there is an age difference of three (3) years or greater between them. No marriage license for a minor under the age of eighteen (18) and not less than sixteen (16) years of age shall be issued where there is such an age difference between the parties. Provided that if the male party to the contract is under the age of eighteen (18) and not less than sixteen (16) years of age, or if the female party to the contract is under the age of eighteen (18) and not less than sixteen (16) years of age, the license shall not be issued except upon the consent in writing duly acknowledged and sworn to by the father, mother, or guardian of any such person if there be either, and provided further, that no such license may be issued, if the male be under eighteen (18) and not less than sixteen (16) years of age and the female under eighteen (18) and not less than sixteen (16) years of age, unless each party to the contract submits to the county recorder his or her original birth certificate, or certified copy thereof or other proof of age acceptable to the county recorder. ~~Provided further, that w~~Where the female is under the age of sixteen (16), or the male is under the age of sixteen (16), the license shall not issue except upon the consent in writing duly acknowledged or sworn to by the father, mother or guardian of such person if there be any such, and upon order of the court. Such order shall be secured upon petition of any interested party which petition shall show that the female minor under the age of sixteen (16), or the male minor under the age of sixteen (16), is physically and/or mentally so far developed as to assume full marital and parental duties, and/or that it is to the best interest of society that the marriage be permitted. A hearing shall be had on such petition forthwith or at such time and upon such notice as the court may designate. The judge shall secure from a physician his opinion as an expert as to whether said person is sufficiently developed mentally and physically to assume full marital duties. If said court is satisfied from the evidence that such person is capable of assuming full marital duties and/or that it is to the best interest of society, said court shall make an order to that effect, and a certified copy of said order shall be filed with the county recorder preliminary to the issuance of

1 ~~a marriage license for the marriage of such person and said order of the court~~
2 ~~shall be the authority for the county recorder to issue such license~~ be is-
3 sued.