

House Bill 1016

By: Representatives Drenner of the 86th, Forster of the 3rd, Oliver of the 83rd, Benfield of the 85th, Jamieson of the 28th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 3 of Title 19 of the Official Code of Georgia Annotated, relating to
2 marriage generally, so as to repeal an exception to the minimum age requirement to contract
3 marriage in the case of pregnancy or live birth; to repeal an exception to parental consent
4 based upon pregnancy or live birth; to revise certain provisions for purposes of conformity;
5 to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 3 of Title 19 of the Official Code of Georgia Annotated, relating to marriage
9 generally, is amended by striking in its entirety paragraph (2) of Code Section 19-3-2,
10 relating to who may contract marriage, and inserting in lieu thereof the following:

11 "(2) Be at least 16 years of age. If either applicant is under the age of majority, parental
12 consent shall be required, as provided in Code Section 19-3-37. ~~However, the age~~
13 ~~limitations contained in this paragraph shall not apply upon proof of pregnancy on the~~
14 ~~part of the female or in instances in which both applicants are the parents of a living child~~
15 ~~born out of wedlock, in which case the parties may contract marriage regardless of age;"~~

16 **SECTION 2.**

17 Said chapter is further amended by striking in its entirety Code Section 19-3-36, relating to
18 proof of age of applicants, physician's certificate of pregnancy or parenthood of applicants
19 under age of 16, inspection of certificate, and destruction of certificate, and inserting in lieu
20 thereof the following:

21 "19-3-36.

22 (a) The judge of the probate court to whom the application for a marriage license is made
23 shall satisfy himself or herself that the provisions set forth in Code Section 19-3-2
24 regarding age limitations are met. If the judge does not know of his or her own knowledge
25 the age of a party for whom a marriage license is sought, he or she shall require the

1 applicant to furnish him or her with documentary evidence of proof of age in the form of
 2 a birth certificate, driver's license, baptismal certificate, certificate of birth registration,
 3 selective service card, court record, passport, immigration papers, alien papers, citizenship
 4 papers, armed forces discharge papers, armed forces identification card, or hospital
 5 admission card containing the full name and date of birth. In the event an applicant does
 6 not possess any of the above but appears to the judge to be at least 25 years of age, the
 7 applicant, in lieu of furnishing the judge with one of the above, may give an affidavit to the
 8 judge stating the applicant's age. Applicants who have satisfactorily proved that they have
 9 reached the age of majority may be issued a marriage license immediately.

10 ~~(b) In cases where either or both of the applicants have not yet reached the age of 16 years,~~
 11 ~~the underage applicant or applicants must submit evidence in the form of a licensed~~
 12 ~~physician's certificate that the female is pregnant or evidence that both applicants are~~
 13 ~~parents of a living child born out of wedlock, in which case the parties may be issued a~~
 14 ~~marriage license immediately. The certificate signed by a licensed physician shall be~~
 15 ~~available for inspection by the parents or guardians of either the female or male applicant~~
 16 ~~under this subsection, prior to the destruction of the certificate as provided in this~~
 17 ~~subsection; but the certificate shall not be open to public inspection except on order of a~~
 18 ~~judge of the superior court. After the birth of the child and upon the presentation of the~~
 19 ~~birth certificate of the child to the judge of the probate court and the verification of the~~
 20 ~~accuracy of the birth certificate, the physician's certificate that the female was pregnant and~~
 21 ~~all records of the certificate under the control of the judge shall be destroyed. For purposes~~
 22 ~~of this subsection, the term 'licensed physician's certificate' shall include only those~~
 23 ~~certificates signed by physicians licensed under Chapter 34 of Title 43."~~

24 SECTION 3.

25 Said chapter is further amended by striking in its entirety subsection (b) of Code Section
 26 19-3-37, relating to parental consent to marriage of underage applicants, when necessary, and
 27 how obtained, and inserting in lieu thereof the following:

28 *"(b) When parental consent required; how obtained. Except when the female applicant*
 29 *is pregnant or when both applicants are the parents of a living child born out of wedlock,*
 30 *in In cases where the parties applying for a license have not yet reached the age of*
 31 *majority, their ages to be proved to the judge of the probate court as provided in Code*
 32 *Section 19-3-36, the parents or guardians of each underage applicant must appear in person*
 33 *before the judge and consent to the proposed marriage, provided that if physical presence*
 34 *because of illness or infirmity is impossible, an affidavit by the incapacitated parent or*
 35 *guardian along with an affidavit signed by a licensed attending physician stating that the*
 36 *parent or guardian is physically incapable of being present shall suffice. The licensed*

1 attending physician shall include only those physicians licensed under Chapter 34 of Title
2 43 or under corresponding requirements pertaining to licensed attending physicians in sister
3 states."

4 **SECTION 4.**

5 All laws and parts of laws in conflict with this Act are repealed.