

House Bill 1028

By: Representatives Forster of the 3rd, Neal of the 1st, and Williams of the 4th

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 require the applicants to be at least 16 years of age in the case
3 of pregnancy or live birth; to provide for related matters; to repeal conflicting laws; and for
4 other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

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

10 "(2) Be at least 16 years of age. If either applicant is under the age of majority, parental
11 consent shall be required, as provided in Code Section 19-3-37. ~~However, the age~~
12 ~~limitations contained in this paragraph shall not apply upon~~ Upon proof of pregnancy on
13 the part of the female or in instances in which both applicants are the parents of a living
14 child born out of wedlock, ~~in which case~~ the parties may contract marriage ~~regardless of~~
15 ~~age if they are both 16 years of age or older without having parental consent;~~"

16 **SECTION 2.**

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

21 "(b) In cases where either or both of the applicants have not yet reached the age of ~~16~~ 18
22 years, the underage applicant or applicants must submit evidence of parental consent
23 pursuant to Code Section 19-3-37 or in the form of a licensed physician's certificate that
24 the female is pregnant or evidence that both applicants are parents of a living child born out
25 of wedlock, in which case the parties may be issued a marriage license immediately if both

1 are 16 years of age or older. The certificate signed by a licensed physician shall be
2 available for inspection by the parents or guardians of either the female or male applicant
3 under this subsection, prior to the destruction of the certificate as provided in this
4 subsection; but the certificate shall not be open to public inspection except on order of a
5 judge of the superior court. After the birth of the child and upon the presentation of the
6 birth certificate of the child to the judge of the probate court and the verification of the
7 accuracy of the birth certificate, the physician's certificate that the female was pregnant and
8 all records of the certificate under the control of the judge shall be destroyed. For purposes
9 of this subsection, the term 'licensed physician's certificate' shall include only those
10 certificates signed by physicians licensed under Chapter 34 of Title 43."

SECTION 3.

12 Said chapter is further amended by striking in its entirety subsection (b) of Code Section
13 19-3-37, relating to parental consent to marriage of underage applicants, when necessary,
14 and how obtained, and inserting in lieu thereof the following:

15 "(b) *When parental consent required; how obtained.* Except when the female applicant
16 is pregnant or when both applicants are the parents of a living child born out of wedlock
17 and both are 16 years of age or older, in cases where the parties applying for a license have
18 not yet reached the age of majority, their ages to be proved to the judge of the probate court
19 as provided in Code Section 19-3-36, the parents or guardians of each underage applicant
20 must appear in person before the judge and consent to the proposed marriage, provided that
21 if physical presence because of illness or infirmity is impossible, an affidavit by the
22 incapacitated parent or guardian along with an affidavit signed by a licensed attending
23 physician stating that the parent or guardian is physically incapable of being present shall
24 suffice. The licensed attending physician shall include only those physicians licensed under
25 Chapter 34 of Title 43 or under corresponding requirements pertaining to licensed
26 attending physicians in sister states."

SECTION 4.

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