

**ADOPTED SENATE**

1 Senators Hamrick of the 30th and Williams of the 19th offered the following amendment:

2 *Amend HB 847 by striking lines 1 and 2 of page 1 and inserting in lieu thereof the following:*

3 To amend Chapter 11 of Title 15 and Chapter 3 of Title 19 of the Official Code of Georgia  
4 Annotated, relating to juvenile proceedings and marriage generally, so as to establish the  
5 conditions for minors to become emancipated by

6 *By inserting after "minor;" on line 7 of page 1 the following:*

7 to provide that a person be at least 18 years of age in order to contract for marriage except  
8 under limited circumstances; to repeal an exception to such age requirement in the case of  
9 pregnancy or live birth; to repeal an exception to parental consent based upon pregnancy or  
10 live birth; to change certain provisions relating to proof of age for applicants to marry; to  
11 change certain provisions relating to parental consent; to repeal a provision relating to  
12 notification of parents for underage applicants and additional fees;

13 *By inserting after line 31 of page 7 the following:*

14 **SECTION 6A.**

15 Chapter 3 of Title 19 of the Official Code of Georgia Annotated, relating to marriage  
16 generally, is amended by striking Code Section 19-3-2, relating to who may contract  
17 marriage, and inserting in lieu thereof the following:

18 "19-3-2.

19 (a) To be able to contract marriage, a person must:

20 (1) Be of sound mind;

21 (2) Except as provided in subsection (b) of this Code section, be ~~Be~~ at least ~~16~~ 18 years  
22 of age. ~~If either applicant is under the age of majority, parental consent shall be required,~~  
23 ~~as provided in Code Section 19-3-37. However, the age limitations contained in this~~  
24 ~~paragraph shall not apply upon proof of pregnancy on the part of the female or in~~  
25 ~~instances in which both applicants are the parents of a living child born out of wedlock,~~  
26 ~~in which case the parties may contract marriage regardless of age;~~

27 (3) Have no living spouse of a previous undissolved marriage. The dissolution of a  
28 previous marriage in divorce proceedings must be affirmatively established and will not  
29 be presumed. Nothing in this paragraph shall be construed to affect the legitimacy of  
30 children; and

31 (4) Not be related to the prospective spouse by blood or marriage within the prohibited  
32 degrees.

1 (b) If either applicant for marriage is 16 or 17 years of age, parental consent as provided  
 2 in Code Section 19-3-37 shall be required."

3 **SECTION 6B.**

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

8 "19-3-36.

9 The judge of the probate court to whom the application for a marriage license is made shall  
 10 satisfy himself or herself that the provisions set forth in Code Section 19-3-2 regarding age  
 11 limitations are met or that such limitations are not required by virtue of an order issued  
 12 pursuant to Code Section 15-11-183. If the judge does not know of his or her own  
 13 knowledge the age of a party for whom a marriage license is sought, the judge shall require  
 14 the applicant to furnish the court with documentary evidence of proof of age in the form  
 15 of a birth certificate, driver's license, baptismal certificate, certificate of birth registration,  
 16 selective service card, court record, passport, immigration papers, alien papers, citizenship  
 17 papers, armed forces discharge papers, armed forces identification card, or hospital  
 18 admission card containing the full name and date of birth. In the event an applicant does  
 19 not possess any of the above but appears to the judge to be at least 25 years of age, the  
 20 applicant, in lieu of furnishing the judge with one of the above, may give an affidavit to the  
 21 judge stating the applicant's age. Applicants who have satisfactorily proved that they have  
 22 reached the age of majority may be issued a marriage license immediately."

23 **SECTION 6C.**

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

27 "(b) *When parental consent required; how obtained.* ~~Except when the female applicant~~  
 28 ~~is pregnant or when both applicants are the parents of a living child born out of wedlock,~~  
 29 ~~in~~ In cases where the parties applying for a license ~~have not yet reached the age of majority~~  
 30 are 16 or 17 years of age, their ages to be proved to the judge of the probate court as  
 31 provided in Code Section 19-3-36, the parents or guardians of each underage applicant  
 32 ~~must~~ shall appear in person before the judge and consent to the proposed marriage,  
 33 provided that if physical presence because of illness or infirmity is impossible, an affidavit  
 34 by the incapacitated parent or guardian along with an affidavit signed by a licensed  
 35 attending physician stating that the parent or guardian is physically incapable of being

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

4 **SECTION 6D.**

5 Said chapter is further amended by striking and reserving Code Section 19-3-38, relating to  
6 notification of parents of underage applicants and an additional fee, and inserting in lieu  
7 thereof the following:

8 "19-3-38.

9 ~~The judge of the probate court shall be required, in all cases where parental consent is not~~  
10 ~~required under Code Sections 19-3-2, 19-3-36, and 19-3-37, to notify the parents of any~~  
11 ~~male or female 17 years of age or younger who applies for a marriage license. The parents~~  
12 ~~shall be notified immediately by first-class mail at their last known address. In license~~  
13 ~~applications which require notification of parents under this Code section, the judge shall~~  
14 ~~collect an additional fee of \$1.00, which shall be in addition to any other fee authorized by~~  
15 ~~law. Reserved.~~"