

HAWAII YOUTH & GOVERNMENT LEGISLATIVE CONFERENCE
DATE
INTRODUCED BY REPRESENTATIVE SAMPLE
SAMPLE SCHOOL/YMCA
REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

A BILL FOR AN ACT

RELATING TO THE MINIMUM AGE OF MARRIAGE IN HAWAII

BE IT ENACTED BY THE YMCA YOUTH AND GOVERNMENT OF THE STATE OF HAWAII:

SECTION 1. 572-1, Hawaii Revised Statutes, is to be amended to read as follows: §572-1
Requisites of valid marriage contract. In order to make the marriage contract valid, which shall
be permitted between two individuals without regard to gender, it shall be necessary that:

(1) The respective parties do not stand in relation to each other of ancestor and
descendant of any degree whatsoever, two siblings of the half as well as to the whole
blood, uncle and niece, uncle and nephew, aunt and nephew, or aunt and niece, whether
the relationship is the result of the issue of parents married or not married to each other
or parents who are partners in a civil union or not partners in a civil union;

(2) Each of the parties at the time of contracting the marriage is at least [sixteen]
eighteen years of age; ~~[provided that with the written approval of the family court of the~~
~~—— circuit within which the minor resides, it shall be lawful for a person under the age of~~
~~—— sixteen years, but in no event under the age of fifteen years, to marry, subject to section~~
~~—— 572-2;]~~

(3) Neither party has at the time any lawful wife, husband, or civil union partner living,
except as provided in section 572-1.7;

(4) Consent of neither party to the marriage has been obtained by force, duress, or
fraud;

(5) Neither of the parties is a person afflicted with any loathsome disease concealed

from, and unknown to, the other party;

(6) The parties to be married in the State shall have duly obtained a license for that purpose from the agent appointed to grant marriage licenses; and

(7) The marriage ceremony be performed in the State by a person or society with a valid license to solemnize marriages and the parties to be married and the person performing the marriage ceremony be all physically present at the same place and time for the marriage ceremony. [L 1872, c 23, §1; am L 1903, c 28, §1; am L 1907, c 42, §1; am L 1913, c 8, §1; RL 1925, §2943; RL 1935, §4630; am L 1935, c 185, §1; am L 1937, c 59, §1; am L 1939, c 122, §1; RL 1945, §12351; am L 1949, c 53, §29; am L 1953, c 79, §1; RL 1955, §323-1; am L 1965, c 232, §1; HRS §572-1; am L 1969, c 152, §1; am L 1970, c 9, §1; am L 1972, c 182, §1 and c 192, pt of §1; am L 1978, c 74, §1; am L 1981, c 202, §1; am L 1984, c 119, §1; am L 1994, c 217, §3; am L 1997, c 52, §5; am L 2012, c 267, §4; am L Sp 2013 2d, c 1, §3]

SECTION 2. For the purposes of this section:

“Minor” is defined as any individual under the age of 18.

“Marriage” means a legally recognized civil union between two individuals pursuant to the laws of the State of Hawai‘i.

“Parental consent” means written authorization provided by a parent or legal guardian permitting a minor to marry under current law.

“Judicial approval” means authorization granted by a family court allowing a minor to marry under statutory exception.

SECTION 3. No individuals under the age of eighteen years shall be permitted into legal marriage within the State of Hawai‘i under any circumstances.

SECTION 4. This Act is intended to eliminate child marriage and establish a minimum marriage age of eighteen. By increasing the minimum marriage age to eighteen, regardless of circumstances, it ensures that all individuals entering marriage are not minors and are legal adults capable of full and informed consent. This Act also aims to strengthen protections against coercion and exploitation.

SECTION 5. No funding requirements.

SECTION 6. Any person who knowingly issues a marriage license in violation of this Act shall be subject to a civil penalty of not more than \$1,000. Any marriage entered into in violation of this Act shall be void.

SECTION 7. Statutory material to be repealed is [bracketed] and stricken. New material is underscored.

SECTION 8. This Act shall take effect upon approval.