

**HB0060**

**Underage marriage-exceptions repeal.**

Sponsored By: Representative(s) Pelkey, Barlow, Blackburn, Connolly,  
Freeman and Zwonitzer and Senator(s) Case and Rothfuss

AN ACT relating to the marriageable age; amending the minimum marriageable age; providing conforming amendments; providing applicability; and providing for an effective date.

12/31/2018 Bill Number Assigned  
1/8/2019 H Received for Introduction  
1/9/2019 H Introduced and Referred to H01 - Judiciary  
1/18/2019 H01 - Judiciary:Recommend Amend and Do Pass 8-1-0-0-0

**ROLL CALL**

**Ayes:** Representative(s) Burlingame, Gray, Kirkbride, Pelkey, Pownall, Salazar, Stith, Washut

**Nays:** Representative Jennings

**Ayes** 8    **Nays** 1    **Excused** 0    **Absent** 0    **Conflicts** 0

1/18/2019 H Placed on General File

**HB0060HS001/ADOPTED**

Page 2-line 2 Reinsert stricken "voidable" and insert "..".  
Page 2-line 5 Delete "void" and strike "..". KIRKBRIDE, CHAIRMAN

**HB0060HW001/ADOPTED**

Page 1-line 7 After "20-1-103(c)(ii)" insert ",.".  
Page 1-line 8 Delete "and"; after "20-1-105(a)" insert "and  
20-2-101(b)".

Page 3-after line 8 Insert:

**"20-2-101. Void and voidable marriages defined; annulments.**

(b) A marriage is voidable if solemnized when either party was under the age of legal consent ~~unless a judge gave consent, if they separated during nonage and did not cohabit together afterwards,~~ or if the consent of one (1) of the parties was obtained by force or fraud and there was no subsequent voluntary cohabitation of the parties."

Page 3-line 10 After "20-1-103(c)(iii)" delete ",." and insert "and".

Page 3-line 11 Delete "and 20-2-101(b)". KIRKBRIDE

1/22/2019 H COW:Passed

**HB0060H2001/ADOPTED**

Delete the House standing committee amendment (HB0060HS001/A) entirely.

Delete the Kirkbride committee of the whole amendment (HB0060HW001/A) entirely and further amend as follows:

Page 1-above line 1 In the catch title delete "exceptions repeal" and insert "amendments".

Page 1-line 7 Delete ", 20-1-103(c)(ii)".

Page 1-line 8 Delete "20-1-105(a)" and insert "20-1-105(b)".

Page 1-line 13 Delete "."; reinsert stricken "except as".

Page 1-line 14 Reinsert all stricken language.

Page 2-line 2 Reinsert stricken "voidable, unless".

Page 2-lines 3 through 5 Reinsert all stricken language; delete all new language.

Page 2-lines 7 through 14 Delete entirely.

Page 2-lines 18 through 23 Delete entirely.

Page 3-lines 1 through 11 Delete entirely and insert:

"(b) If either party is under ~~sixteen (16)~~ eighteen (18) years of age, the parents or guardians may apply to any judge of a court of record in the county of residence of the minor for an order authorizing the marriage and directing the issuance of a marriage license. If the judge believes it advisable, he shall enter an order authorizing the marriage and directing the county clerk to issue a license. Upon filing of a certified copy of the order with the county clerk, the county clerk shall issue a license and endorse thereon the fact of the issuance of the order. No person authorized to perform marriage ceremonies in Wyoming shall perform any marriage ceremony if either party is under the age specified by this subsection unless the license contains the endorsement.".

Page 3-line 13 Delete "Section 3." and insert "Section 2.".

Page 3-line 16 Delete "Section 4." and insert "Section 3.". SOMMERS

1/23/2019 H 2nd Reading:Passed

#### HB0060H3001/ADOPTED

Delete the Sommers second reading amendment (HB0060H2001/A) entirely.

Delete the Kirkbride committee of the whole amendment (HB0060HW001/A) entirely.

Delete the House standing committee amendment (HB0060HS001/A) entirely and further amend as follows:

Page 1-above line 1 In the catch title delete "exceptions repeal" and insert "amendments".

Page 1-lines 7 and 8 Delete entirely and insert:

"Section 1. W.S. 20-1-102, 20-1-103(c)(iii) and 20-2-101(a)(ii) and (b) are amended to read:".

Page 1-lines 12 through 14 Delete entirely.

Page 2-lines 1 through 5 Delete entirely and insert:

"(a) At the time of marriage the parties shall be at least ~~sixteen (16)~~ eighteen (18) years of age except as otherwise provided. No person shall marry who is under the age of sixteen (16) years.

(b) All marriages involving a person ~~under sixteen (16)~~ or seventeen (17) years of age are prohibited and voidable, unless before contracting the marriage a judge of a court of record in Wyoming approves the marriage and authorizes the county clerk to issue a license therefor. All marriages involving a person under sixteen (16) years of age are void.

(c) When either party is ~~a minor sixteen (16) or seventeen (17) years of age~~, no license shall be granted without the verbal consent, if present, and written consent, if absent, of the father, mother, guardian or person having the care and control of the minor. Written consent shall be proved by the testimony of at least one (1) competent witness.".

Page 2-line 14 Delete entirely and insert:

"(iii) Either party is ~~a minor sixteen (16) or seventeen (17) years of age~~ and the consent of a parent or guardian has not been given.".

Page 2-lines 16 through 23 Delete entirely.

Page 3-lines 1 through 8 Delete entirely and insert:

**"20-2-101. Void and voidable marriages defined; annulments.**

(a) Marriages contracted in Wyoming are void without any decree of divorce:

(ii) When either party is mentally incompetent or under sixteen (16) years of age at the time of contracting the marriage;

(b) A marriage is voidable if solemnized when either party was ~~under the age of legal consent sixteen (16) or seventeen (17) years of age~~ unless a judge gave consent, if they separated during nonage and did not cohabit together

afterwards, or if the consent of one (1) of the parties was obtained by force or fraud and there was no subsequent voluntary cohabitation of the parties.".  
Page 3-line 10 Delete "20-1-102(c), 20-1-103(c)(iii),".  
Page 3-line 11 Delete "and 20-2-101(b) are" and insert "is". PELKEY,  
SOMMERS

1/24/2019 H 3rd Reading:Failed 26-31-3-0-0

**ROLL CALL**

**Ayes:** Representative(s) Barlow, Blackburn, Blake, Brown, Burlingame, Clifford, Connolly, Dayton-Selman, Flitner, Freeman, Furphy, Gray, Haley, Kirkbride, MacGuire, Obermueller, Paxton, Pelkey, Roscoe, Schwartz, Sommers, Stith, Washut, Wilson, Yin, Zwonitzer

**Nays:** Representative(s) Burkhardt, Clausen, Clem, Duncan, Edwards, Eklund, Eyre, Greear, Hallinan, Henderson, Hunt, Jennings, Kinner, Larsen, Laursen, Lindholm, Loucks, Miller, Newsome, Nicholas, Olsen, Piiparinen, Pownall, Salazar, Simpson, Styvar, Sweeney, Tass, Walters, Western, Winter

**Excused:** Representative(s) Crank, Harshman, Northrup

**Ayes** 26    **Nays** 31    **Excused** 3    **Absent** 0    **Conflicts** 0