

## HOUSE BILL No. 2473

By Representatives Sawyer Clayton, Barrett, Bloom, Collins, Fairchild, Helwig, Pickert, Reavis, Roeser, Schwertfeger, Steele, Tarwater, VanHouden and Wilson

1-20

1 AN ACT concerning marriage; requiring persons to be 18 years of age or  
2 older to be eligible to give consent for marriage; excluding certain days  
3 from being counted toward the current three-day waiting period;  
4 amending K.S.A. 23-2505 and repealing the existing section.  
5

6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 23-2505 is hereby amended to read as follows: 23-  
8 2505. (a) The clerks of the district courts or judges thereof, when applied  
9 to for a marriage license by any person who is one of the parties to the  
10 proposed marriage and who is legally entitled to a marriage license, shall  
11 issue a marriage license in substance as follows:

### MARRIAGE LICENSE

12 (Name of place where office located, month, day and year.)  
13 TO ANY PERSON authorized by law to perform the marriage  
14 ceremony,

15 Greeting:

16 You are hereby authorized to join in marriage A B of \_\_\_\_\_,  
17 date of birth \_\_\_\_\_, and C D of \_\_\_\_\_, date of birth \_\_\_\_\_,  
18 (and name of parent or guardian consenting), and of this license, duly  
19 endorsed, you will make due return to this office immediately after  
20 performing the ceremony.

21 E F, (title of person issuing the license).

22 (b) No clerk or judge of the district court shall issue a marriage  
23 license before the third calendar day ~~–~~, *excluding* Sunday, holidays, and  
24 days on which the office of the clerk of the court is not accessible  
25 ~~included~~, following the date of the filing of the application therefor in  
26 such clerk's or judge's office except that in cases of emergency or  
27 extraordinary circumstances, a judge of the district court may upon proper  
28 showing being made, permit by order of the court the issuance of such  
29 marriage license without waiting three days. Each district court shall keep  
30 a record of all marriages resulting from licenses issued by the court, which  
31 record shall show the names of the persons who were married and the date  
32 of the marriage.

33 (c) No clerk or judge shall issue a license authorizing the marriage of  
34 any person:

1       (1) Under the age of 16 years, except that a judge of the district court  
2 may, after due investigation, give consent and issue the license authorizing  
3 the marriage of a person 15 years of age when the marriage is in the best  
4 interest of the person 15 years of age; or

5       (2) who is 16 or 17 years of age without the express consent of such  
6 person's father, mother or legal guardian and the consent of the judge  
7 unless consent of both the mother and father and any legal guardian or all  
8 then living parents and any legal guardian is given in which case the  
9 consent of the judge shall not be required. If not given in person at the  
10 time of the application, the consent shall be evidenced by a written  
11 certificate subscribed thereto and duly attested. Where the applicants or  
12 either of them are 16 or 17 years of age and their parents are dead and  
13 there is no legal guardian then a judge of the district court may after due  
14 investigation give consent and issue the license authorizing the marriage  
15 who is under 18 years of age.

16       (d) The judge or clerk may issue a license upon the affidavit of the  
17 party personally appearing and applying therefor, to the effect that the  
18 parties to whom such license is to be issued are of lawful age, as required  
19 by this section, and the judge or clerk is hereby authorized to administer  
20 oaths for that purpose.

21       (e) Every person swearing falsely in such affidavit shall be guilty of a  
22 misdemeanor and shall be punished by a fine not exceeding \$500. A clerk  
23 or judge of the district court shall state in every license the birth dates of  
24 the parties applying for the same, and if either or both are 16 or 17 years of  
25 age, the name of the father, mother, or guardian consenting to such  
26 marriage license.

27       (f) Every marriage license shall expire at the end of six months from  
28 the date of issuance if the marriage for which the license was issued does  
29 not take place within the six-month period of time.

30       Sec. 2. K.S.A. 23-2505 is hereby repealed.

31       Sec. 3. This act shall take effect and be in force from and after its  
32 publication in the statute book.