**South Carolina General Assembly**

123rd Session, 2019-2020

**S. 395**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Hutto and Shealy

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Introduced in the Senate on January 22, 2019

Currently residing in the Senate Committee on **Judiciary**

Summary: Marriage; minimum age

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/22/2019 Senate Introduced and read first time ([Senate Journal‑page 6](file:///h:\sj\20190122.docx))

1/22/2019 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 6](file:///h:\sj\20190122.docx))

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**VERSIONS OF THIS BILL**

[1/22/2019](file:///p:\pprever\2019-20\395_20190122.docx)

**A** **BILL**

TO AMEND SECTION 20-1-100, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MINIMUM AGE A PERSON MAY ENTER INTO MARRIAGE, SO AS TO PROVIDE THAT A MARRIAGE ENTERED INTO BY AN INDIVIDUAL YOUNGER THAN EIGHTEEN YEARS OF AGE IS VOID AB INITIO; TO AMEND SECTION 20-1-290, RELATING TO THE WILFUL FAILURE OF THE LICENSE-ISSUING OFFICER TO COMPLY WITH LAWS RELATED TO THE ISSUANCE OF MARRIAGE LICENSES, SO AS TO REMOVE REFERENCES TO CODE SECTIONS REPEALED BY THIS BILL; TO REPEAL SECTION 20-1-250, RELATING TO THE ISSUANCE OF A MARRIAGE LICENSE TO APPLICANTS BETWEEN THE AGES OF SIXTEEN AND EIGHTEEN WITH PARENTAL OR GUARDIAN CONSENT, SECTION 20-1-260, RELATING TO THE PROOF OF AGE REQUIRED FOR A MINOR APPLICANT, AND SECTION 20-1-300, RELATING TO THE ISSUANCE OF A MARRIAGE LICENSE TO AN UNMARRIED FEMALE AND MALE UNDER EIGHTEEN YEARS OF AGE WHEN THE FEMALE IS PREGNANT OR HAS BORNE A CHILD, SO AS TO PROVIDE THAT A PERSON YOUNGER THAN EIGHTEEN YEARS OF AGE CANNOT ENTER INTO MARRIAGE IN SOUTH CAROLINA.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 20-1-100 of the 1976 Code is amended to read:

“Section 20-1-100. Any person under the age of ~~sixteen~~ eighteen is not capable of entering into a valid marriage, and all marriages hereinafter entered into by such persons are void ab initio. A common‑law marriage hereinafter entered into by a person under the age of ~~sixteen~~ eighteen is void ab initio.”

SECTION 2. Section 20-1-290 of the 1976 Code is amended to read:

“Section 20-1-290. The wilful failure of any officer responsible for the issuance of marriage licenses to comply with the terms of Section~~s 20‑1‑250, 20‑1‑260 and~~ 20‑1‑270 shall be grounds or cause for removal from office.”

SECTION 3. Sections 20-1-250, 20-1-260, and 20-1-300 of the 1976 Code are repealed.

SECTION 4. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this chapter, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other section, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 5. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 6. This act takes effect upon approval by the Governor.

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