**South Carolina General Assembly**

125th Session, 2023-2024

**S. 34**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Hutto

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Introduced in the Senate on January 10, 2023

Currently residing in the Senate

Summary: Marriage

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 11/30/2022 Senate Prefiled

 11/30/2022 Senate Referred to Committee on **Judiciary**

 1/10/2023 Senate Introduced and read first time (Senate Journal‑page 28)

 1/10/2023 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 28)

 2/8/2023 Scrivener's error corrected

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**VERSIONS OF THIS BILL**

[11/30/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/34_20221130.docx)

[02/08/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/34_20230208.docx)

A bill

to amend the South Carolina Code of Laws by amending Section 20‑1‑100, relating to the Minimum age for a valid marriage, so as to PROVIDE THAT A MARRIAGE ENTERED INTO BY AN INDIVIDUAL YOUNGER THAN EIGHTEEN YEARS OF AGE IS VOID AB INITIO; by amending Section 20‑1‑290, relating to THE WILFUL FAILURE OF officers TO COMPLY WITH LAWS RELATED TO THE ISSUANCE OF MARRIAGE LICENSES, so as to REMOVE REFERENCES TO CODE SECTIONS REPEALED BY THIS BILL; and by repealing sections 20‑1‑250 and 20‑1‑260, relating to marriages involving minors.

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

SECTION 1. Section 20‑1‑100 of the S.C. 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 S.C. 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 Sections 20‑1‑250, 20‑1‑260 and Section 20‑1‑270 shall be grounds or cause for removal from office.

SECTION 3. Sections 20‑1‑250 and 20‑1‑260 of the S.C. Code are repealed.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 act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, 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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