

1 AN ACT relating to child marriage.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 402.020 is amended to read as follows:

4 (1) Marriage is prohibited and void:

5 (a) With a person who has been adjudged mentally incompetent~~[disabled]~~ by a  
6 court of competent jurisdiction;

7 (b) Where~~[there is a husband or wife living, from whom]~~ the person marrying  
8 has not been divorced from a living spouse;

9 (c) When not solemnized or contracted in the presence of an authorized person or  
10 society;

11 (d) Between members of the same sex;

12 (e) Between more than two (2) persons; and

13 (f) ~~[Except as provided in KRS 402.210, ]~~With a person who at the time of  
14 marriage is under eighteen (18) years of age.

15 (2) Subsection (1)(f) of this section shall not apply to a lawful marriage entered into in  
16 the Commonwealth of Kentucky prior to the effective date of this Act~~[July 14,~~  
17 ~~2018]~~, or to a lawful marriage in another state or country prior to the parties'  
18 residence in the Commonwealth of Kentucky.

19 ➔Section 2. KRS 402.030 is amended to read as follows:

20 (1) Courts having general jurisdiction may declare void any marriage obtained by force  
21 or fraud, or, ~~if provided that~~ the petition is brought by a party who was under the  
22 age of majority as defined by KRS 2.015 at the time of marriage, a marriage  
23 obtained by duress.

24 (2) Upon petition~~[At the instance]~~ of any next friend, courts having general jurisdiction  
25 may declare any marriage void where the person was under eighteen (18) years of  
26 age at the time of the marriage~~[, and the marriage was without the consent required~~  
27 ~~by KRS 402.210]~~.

1        ➔Section 3. KRS 402.080 is amended to read as follows:

2        No marriage shall be solemnized without a marriage license~~[therefor]~~. The license~~[shall~~  
3        ~~be issued by the clerk of the county in which the female resides at the time, unless the~~  
4        ~~female is eighteen (18) years of age or over or a widow, and the license is issued on her~~  
5        ~~application in person, in which case it]~~ may be issued by any county clerk if the  
6        requirements of Section 4 of this Act are met.

7        ➔Section 4. KRS 402.210 is amended to read as follows:

8        (1) Both parties to a marriage shall:

9            (a) Be present for a marriage license to be issued; and

10          (b) Present to the county clerk documentary proof of age in the form of:

11            1. A copy of a birth record;

12            2. A certification of birth issued by the state department of health, a local  
13            registrar of vital statistics, or other public office charged with similar  
14            duties by the laws of another state, territory, or country;

15            3. A baptismal record showing the individual's date of birth;

16            4. A passport;

17            5. An automobile driver's license;

18            6. Any government or school issued identification card showing the  
19            individual's date of birth;

20            7. An immigration record showing the individual's date of birth;

21            8. A naturalization record showing the individual's date of birth; or

22            9. A court record or any other document or record issued by a government  
23            entity showing the individual's date of birth.

24        (2) If either of the parties is under eighteen (18)~~[seventeen (17)]~~ years of age, no  
25        license shall be issued.†

26        ~~(3) If either of the parties is seventeen (17) years of age, a marriage license shall not be~~  
27        ~~issued unless:~~

1       ~~(a) The party who is seventeen (17) years of age presents to the clerk a certified~~  
2           ~~copy of a court order by a family court or District Court judge that grants the~~  
3           ~~party permission to marry and removes the party's disability of minority, as~~  
4           ~~provided in KRS 402.205; and~~

5       ~~(b) At least fifteen (15) days have elapsed since the court order was granted.]~~

6       ➔Section 5. The following KRS section is repealed:

7       402.205 Petition to court by seventeen year old for permission to marry -- Evidentiary  
8           hearing -- Reasons for denying petition -- Effect of pregnancy -- Emancipation of  
9           minor -- Other court-imposed condition -- Fee.