

FAILED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 808

AMENDMENT NO. A4
(to be filled in by
Principal Clerk)

H808-ABC-52 [v.1]

Page 1 of 2

Amends Title [YES]
Fifth Edition

Date JUNE 27, 2023

Senator ~~Mayfield~~ *Murdock mfgny*

1 moves to amend the bill on page 1, line 2, by inserting the following before the period:
2 "AND TO RAISE THE MARRIAGE AGE TO 18";

3
4 and on page 4, lines 45-46, by inserting the following between the lines:

5 "SECTION 3.2.(a) G.S. 51-2 reads as rewritten:

6 "**§ 51-2. Lawful age to marry.**

7 (a) All unmarried persons of 18 years, or older, may lawfully marry.

8 (a1) ~~Persons over 16 years of age and under 18 years of age may marry a person no more~~
9 ~~than four years older, and the register of deeds may issue a license for the marriage, only after~~
10 ~~there has been filed with the register of deeds a certified copy of an order issued by a district~~
11 ~~court authorizing the marriage as provided in G.S. 51-2.1, or a written consent to the marriage,~~
12 ~~said consent having been signed by the appropriate person as follows:~~

13 (1) ~~By a parent having full or joint legal custody of the underage party; or~~

14 (2) ~~By a person, agency, or institution having legal custody or serving as a~~
15 ~~guardian of the underage party.~~

16 ~~Such written consent shall not be required for an emancipated minor if a certificate of~~
17 ~~emancipation issued pursuant to Article 35 of Chapter 7B of the General Statutes or a certified~~
18 ~~copy of a final decree or certificate of emancipation from this or any other jurisdiction is filed~~
19 ~~with the register of deeds.~~

20 (b) Repealed by Session Laws 2021-119, s. 1, effective August 26, 2021, and applicable
21 to marriage licenses pending or issued on or after that date.

22 (b1) It shall be unlawful for any person under ~~16~~18 years of age to marry.

23 (c) ~~When a license to marry is procured by any person under 18 years of age by fraud or~~
24 ~~misrepresentation, a parent of the underage party, a person, agency, or institution having legal~~
25 ~~custody or serving as a guardian of the underage party, or a guardian ad litem appointed to~~
26 ~~represent the underage party pursuant to G.S. 51-2.1(b) is a proper party to bring an action to~~
27 ~~annul the marriage."~~

28 SECTION 3.2.(b) G.S. 51-2.1 is repealed.

29 SECTION 3.2.(c) G.S. 51-3 reads as rewritten:

30 "**§ 51-3. Want of capacity; void and voidable marriages.**

31 (a) All marriages between any two persons nearer of kin than first cousins, or between
32 double first cousins, or between a male person under 16 years of age and any female, or between



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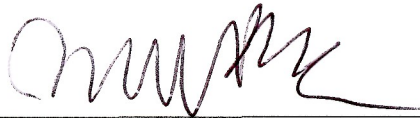
Page 2 of 2

1 a female person under 16 years of age and any male, or between persons either of whom has a
2 husband or wife living at the time of such marriage, or between persons either of whom is at the
3 time physically impotent, or between persons either of whom is at the time incapable of
4 contracting from want of will or understanding, shall be void. No marriage followed by
5 cohabitation and the birth of issue shall be declared void after the death of either of the parties
6 for any of the causes stated in this section except for bigamy. A marriage contracted under a
7 representation and belief that the female partner to the marriage is pregnant, followed by the
8 separation of the parties within 45 days of the marriage which separation has been continuous
9 for a period of one year, shall be voidable unless a child shall have been born to the parties within
10 10 lunar months of the date of separation.

11 (b) Notwithstanding the provisions of subsection (a) of this section, all marriages
12 between a male person under 18 years of age and any female, or between a female person under
13 18 years of age and any male, which were entered into on or after July 1, 2023, shall be void."

14 **SECTION 3.2.(d)** This section is effective July 1, 2023, and applies to marriages
15 entered into on or after that date."
16
17

SIGNED



Amendment Sponsor

SIGNED _____

Committee Chair if Senate Committee Amendment

ADOPTED _____

FAILED _____

TABLED _____

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and vote information, is available in the
Senate Principal Clerk's Office**