

HOUSE BILL NO. 62

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES CLAMAN, Fields, Kreiss-Tomkins, Schrage

Introduced: 2/18/21

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to solemnization of marriage."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 25.05.301 is amended to read:

4 **Sec. 25.05.301. Form of solemnization.** In the solemnization of marriage, no
5 particular form is required except that the parties shall assent or declare in the
6 presence of each other and the person solemnizing the marriage [AND IN THE
7 PRESENCE OF AT LEAST TWO COMPETENT WITNESSES] that they take each
8 other to be husband and wife. The person solemnizing the marriage must be [A
9 COMPETENT WITNESS FOR THIS PURPOSE IS] a person of sound mind capable
10 of understanding the seriousness of the ceremony. At the time of the ceremony, the
11 person solemnizing the marriage shall complete the certification on the original
12 marriage certificate. The person solemnizing the marriage [AND THE TWO
13 ATTENDING WITNESSES] shall sign the original marriage certificate and the
14 necessary copies.

15 * **Sec. 2.** AS 25.05.321 is amended to read:

1 **Sec. 25.05.321. Certificates.** The person solemnizing the marriage shall, on
 2 the forms provided by the bureau, complete two short-form certificates [,] and, after
 3 that person has [AND THE TWO WITNESSES HAVE] signed them, give one to
 4 each of the parties to the marriage. A church or congregation may design and furnish
 5 its own form for this purpose, containing as a minimum the items contained in the
 6 form furnished by the bureau. The original marriage certificate shall be filed as
 7 required by AS 18.50 (Vital Statistics Act) and regulations adopted under it. The
 8 person solemnizing the marriage shall complete the certificate as required and submit
 9 it to the local registrar within seven days after [OF] the date the marriage is
 10 solemnized.

11 * **Sec. 3.** AS 25.05.361 is amended to read:

12 **Sec. 25.05.361. Unlawful solemnization of marriage.** A person who
 13 solemnizes a marriage without first receiving a proper marriage license from the
 14 parties as provided in this chapter or without the parties declaring to take each other as
 15 husband and wife [, OR WITHOUT REQUIRING THE PRESENCE OF TWO
 16 COMPETENT WITNESSES]; or who solemnizes a marriage involving a person
 17 under the legal age of marriage without the consent of (1) the licensing official when
 18 authorized, or (2) the parents or guardian of the underaged person, being stated in the
 19 license; or who solemnizes a marriage knowing of any legal impediment thereto, or
 20 who solemnizes a marriage after the expiration of the license, or who falsely certifies
 21 to the date of a marriage solemnized by that person is guilty of a misdemeanor, and
 22 upon conviction is punishable by imprisonment for not more than six months, or by a
 23 fine of not more than \$500, or by both.

24 * **Sec. 4.** AS 25.05.041(a)(3) and 25.05.041(a)(5) are repealed.