

**ALASKA STATE LEGISLATURE**  
**SENATE JUDICIARY STANDING COMMITTEE**

May 13, 2022

1:35 p.m.

**MEMBERS PRESENT**

Senator Roger Holland, Chair  
Senator Mike Shower, Vice Chair  
Senator Shelley Hughes  
Senator Robert Myers  
Senator Jesse Kiehl

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 62 (JUD) AM

"An Act relating to the Legislative Ethics Act; relating to solemnization of marriage; and relating to consent to marriage."

- MOVED SCS CSHB 62 (JUD) OUT OF COMMITTEE

HOUSE BILL NO. 325

"An Act relating to domestic violence."

- SCHEDULED BUT NOT HEARD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 62

SHORT TITLE: MARRIAGE: WITNESSES/solemnization/consent

SPONSOR(S): REPRESENTATIVE(S) CLAMAN

02/18/21	(H)	PREFILE RELEASED 1/15/21
02/18/21	(H)	READ THE FIRST TIME - REFERRALS
02/18/21	(H)	STA, JUD
02/25/21	(H)	STA AT 3:00 PM GRUENBERG 120
02/25/21	(H)	-- MEETING CANCELED --
03/04/21	(H)	STA AT 3:00 PM GRUENBERG 120
03/04/21	(H)	Heard & Held
03/04/21	(H)	MINUTE(STA)
03/09/21	(H)	STA AT 3:00 PM GRUENBERG 120
03/09/21	(H)	Heard & Held
03/09/21	(H)	MINUTE(STA)

03/11/21 (H) STA AT 3:00 PM GRUENBERG 120  
03/11/21 (H) Moved HB 62 Out of Committee  
03/11/21 (H) MINUTE(STA)  
03/12/21 (H) STA RPT 4DP 2DNP 1AM  
03/12/21 (H) DP: CLAMAN, STORY, TARR, KREISS-TOMKINS  
03/12/21 (H) DNP: EASTMAN, VANCE  
03/12/21 (H) AM: KAUFMAN  
03/19/21 (H) JUD AT 1:30 PM GRUENBERG 120  
03/19/21 (H) <Bill Hearing Canceled>  
03/24/21 (H) JUD AT 1:30 PM GRUENBERG 120  
03/24/21 (H) Heard & Held  
03/24/21 (H) MINUTE(JUD)  
03/29/21 (H) JUD AT 1:00 PM GRUENBERG 120  
03/29/21 (H) <Bill Hearing Canceled>  
03/31/21 (H) JUD AT 1:00 PM GRUENBERG 120  
03/31/21 (H) Moved CSHB 62(JUD) Out of Committee  
03/31/21 (H) MINUTE(JUD)  
04/05/21 (H) JUD RPT CS(JUD) NEW TITLE 4DP 3DNP  
04/05/21 (H) DP: DRUMMOND, KREISS-TOMKINS, SNYDER,  
CLAMAN  
04/05/21 (H) DNP: EASTMAN, VANCE, KURKA  
03/09/22 (H) SUSTAINED RULING OF CHAIR Y21 N14 E4 A1  
03/11/22 (H) TECHNICAL SESSION 3/11 - ON 3/14  
CALENDAR  
03/16/22 (H) TRANSMITTED TO (S)  
03/16/22 (H) VERSION: CSHB 62(JUD) AM  
03/18/22 (S) READ THE FIRST TIME - REFERRALS  
03/18/22 (S) HSS, JUD  
04/05/22 (S) HSS AT 1:30 PM BUTROVICH 205  
04/05/22 (S) Heard & Held  
04/05/22 (S) MINUTE(HSS)  
04/19/22 (S) HSS AT 1:30 PM BUTROVICH 205  
04/19/22 (S) Heard & Held  
04/19/22 (S) MINUTE(HSS)  
04/26/22 (S) HSS AT 1:30 PM BUTROVICH 205  
04/26/22 (S) Moved SCS CSHB 62(HSS) Out of Committee  
04/26/22 (S) MINUTE(HSS)  
04/27/22 (S) HSS RPT SCS(HSS) 4NR SAME TITLE  
04/27/22 (S) NR: WILSON, REINBOLD, BEGICH, HUGHES  
05/06/22 (S) JUD AT 1:30 PM BUTROVICH 205  
05/06/22 (S) -- MEETING CANCELED --  
05/09/22 (S) JUD AT 1:30 PM BUTROVICH 205  
05/09/22 (S) -- MEETING CANCELED --  
05/11/22 (S) JUD AT 1:30 PM BUTROVICH 205  
05/11/22 (S) Heard & Held  
05/11/22 (S) MINUTE(JUD)  
05/13/22 (S) JUD AT 1:30 PM BUTROVICH 205

**WITNESS REGISTER**

LOUIS TOZZI, representing self  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 62 if amended to address emancipated adults.

ALIYA ABBAS, representing self  
Burtonsville, Maryland

**POSITION STATEMENT:** Testified in support of HB 62 if amended to raise the minimum age for marriage to 18 with no exceptions.

BROOKE IVY, Vice President  
Policy and Advocacy (APP)  
Alaska Children's Trust  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 62.

SARA TASNEEM, representing self  
El Sobrone, California

**POSITION STATEMENT:** Testified in support of HB 62 if amended to raise the minimum age for marriage to 18 with no exceptions.

CASEY SWEGMAN, Director of Public Policy  
Tahirih Justice Center  
Washington, DC

**POSITION STATEMENT:** Testified in support of HB 62 if amended to raise the minimum age for marriage to 18 with no exceptions.

DAWN TYREE, representing self  
Banks, Oregon

**POSITION STATEMENT:** Testified in support of HB 62 if amended to raise the minimum age for marriage to 18 with no exceptions.

ELIZABETH SITTON, representing self,  
Los Angeles, California

**POSITION STATEMENT:** Testified in support of HB 62 if amended to raise the minimum age for marriage to 18 with no exceptions.

SASHA TAYLOR, representing self  
Washington, District of Columbia (DC)

**POSITION STATEMENT:** Testified in support of HB 62 if amended to raise the minimum age for marriage to 18 with no exceptions.

REPRESENTATIVE MATT CLAMAN  
Alaska State Legislature

Juneau, Alaska

**POSITION STATEMENT:** Sponsor of HB 62.

**ACTION NARRATIVE**

[1:35:16 PM](#)

**CHAIR ROGER HOLLAND** called the Senate Judiciary Standing Committee meeting to order at 1:35 p.m. Senators Myers, Hughes, Shower, Kiehl, and Chair Holland were present at the call to order.

**HB 62-MARRIAGE: WITNESSES/SOLEMNIZATION/CONSENT**

[1:35:55 PM](#)

CHAIR HOLLAND announced the consideration of CS FOR HOUSE BILL NO. 62(JUD) am "An Act relating to the Legislative Ethics Act; relating to solemnization of marriage; and relating to consent to marriage."

[SCS CSHB 62(HSS) was before the committee. HB 62 was previously heard on 5/11/2022.]

[1:36:19 PM](#)

CHAIR HOLLAND opened public testimony on HB 62.

[1:37:18 PM](#)

LOUIS TOZZI, representing self, Anchorage, Alaska, suggested amending HB 62 to address emancipated adults. He stated that he had attended a Senate Health and Social Services Committee hearing on this bill. He expressed concern with the current version relating to the age of marriage consent. He recalled Senator Hughes had asked if there was a way to remove bad actors. Senator Begich had expressed concern that some language in the bill would affect emancipated minors who wanted to marry. The current committee substitute, Version I, would allow an emancipated minor to request a marriage license. He related his understanding that an emancipated minor age 16 or 17 could petition the court and ask to be married. The standard in these statutes differs from the one for an emancipated minor. He referred to a Legislative Legal Research memo from Alex Foote [dated 04/18/22], which indicated that emancipated minors have all of the rights of an adult, except for voting and using alcoholic beverages. Thus, emancipated minors could marry. He stated the emancipation statutes are rigorous and designed to determine whether the person could make adult decisions. He acknowledged that marriage was an adult decision that had tremendous ramifications. He offered his view that family or

others often coerce young women into getting married. He related that after a friend of his testified before SHSS, Senator Costello had an amendment drafted which would preserve the right of emancipated minors to marry but otherwise make the minimum age for marriage 18. Her amendment would not affect emancipated minors, but it was not offered in that committee. However, adopting Senator Costello's amendment would create a single standard for those requesting a marriage license.

CHAIR HOLLAND stated he would request a copy of Senator Costello's amendment.

[1:42:31 PM](#)

ALIYA ABBAS, representing self, Burtonsville, Maryland, stated that she was a child marriage survivor. She said she was married to a complete stranger when she was 17 years old without her consent. She described ways her husband victimized her and the emotional and physical abuse she had endured. She spoke in support of HB 62, if the bill raised the minimum age for marriage to 18, with no exceptions.

[1:45:08 PM](#)

BROOKE IVY, Vice President, Policy and Advocacy (APP), Alaska Children's Trust, Anchorage, Alaska, spoke in support of HB 62 on behalf of the Alaska Children's Trust, a leading statewide organization focused on abuse and child neglect. She said this legislation could go further by raising the minimum age to 18. HB 62 takes an important step toward ending the practice of child marriage in Alaska. She thanked Representative Rasmussen for raising this issue and discussing it on the House floor, and Representative Claman for championing this effort through the process.

MS. IVY stated that all children deserve to be safe and healthy. Sadly, Alaska has struggled with some of the nation's highest rates of child abuse for decades. In particular, child marriage is frequently used to hide child sexual abuse. Despite the US State Department announcement addressing child marriage in other countries, Alaska's antiquated statutes do not reflect this value. Instead, Alaska's current marriage laws create very real opportunities for vulnerable children to be coerced into marrying an abuser. All too often, child sexual abusers in the US utilize authorized loopholes, such as being able to marry a 14-year-old, to legalize their abuse. There is no single solution to the complex issue of child sexual abuse, but to effectively turn the tide on this epidemic, states must deploy multiple strategies.

[1:46:47 PM](#)

MS. IVY stated that while APP firmly supports an even stronger stance against child marriage, raising the state's minimum age of consent from 14 to 16 is one clear step in further protecting Alaska's most important resource, which is Alaska's children. She urged the committee to support HB 62.

[1:47:30 PM](#)

SARA TASNEEM, representing self, El Sobrone, California, spoke in support of Senator Costello's amendment to HB 62 to raise the minimum age of marriage to 18, with no exceptions. She said she is a survivor of forced child marriage. She stated that her father forced her to marry an older man she did not know when she was age 15. She related that she suffered financial, sexual, emotional, and physical abuse in her seven-year marriage and lifelong trauma and anxiety repercussions and provided examples to illustrate her suffering.

[1:51:38 PM](#)

CASEY SWEGMAN, Director of Public Policy, Tahirih Justice Center, Washington, DC, stated that the Tahirih Justice Center is a national legal and social services organization that works with survivors of gender-based violence, including children forced into marriage. She spoke in support of HB 62, and for an amendment drafted by Senator Costello that would raise the minimum age for marriage to 18.

MS. SWEGMAN stated that since 2011, Tahirih's Forced Marriage Initiative had served hundreds of individuals facing forced marriages, given the unique nature of the center's services. This includes minors and individuals from Alaska. She stated that children under age 18 are especially vulnerable to forced marriage and have limited options to escape a violent home or protect themselves, especially because they lack the legal rights of an adult. Forced marriages can involve very insidious forms of coercion, including physical violence, extreme psychological abuse and threats. When that coercion comes from a parent, as it often does, marriage can feel like the only option for a teenage girl who is scared and still very dependent on her family.

[1:52:49 PM](#)

MS. SWEGMAN offered support for the bill that would raise Alaska's minimum age from 14 to 16 but asked the committee to do more to protect Alaska's children and end child marriage by setting the age at 18. Most children who marry are ages 16 and

17, but unfortunately, those few years don't make a big difference in their legal and practical rights. The state still considers them children, which makes it far more difficult for them to resist an unwanted marriage or leave an abusive spouse.

[1:53:30 PM](#)

MS. SWEGMAN stated that based on the justice center's research, the parental consent exception can conceal parental coercion; and that, combined with the state's docile defense of statutory rape, roadmaps a workaround for predators. Right now, in Alaska, it is easy for a host of horrors to lurk behind the marriage of a minor. Even when marriage was not forced, child marriage sets minors up for detrimental outcomes on almost every measure, including mental and physical health, education, and economics.

MS. SWEGMAN urged members to amend HB 62 further by raising the age of marriage to 18 without exception.

[1:54:46 PM](#)

DAWN TYREE, representing self, Banks, Oregon, spoke in favor of amending HB 62 to raise the minimum marriage age to 18, with no exceptions. She described herself as a survivor of child marriage. She related her experience as a minor forced to marry at age 13. She said she ran away from her husband at 16, taking her two young children with her to Kodiak, Alaska. She related the difficulties she had as an emancipated minor trying to find social services or overnight lodging at shelters. Her husband continually reported her as a runaway. She was divorced at 17 and received physical custody but no financial support. She detailed the hardships and lifelong struggles she and her children suffered, including financial, emotional, and substance abuse.

[1:58:06 PM](#)

ELIZABETH SITTON, Los Angeles, California, said she is a survivor of forced child marriage. She stated that her family forced her to marry a 28-year-old man when she was age 16. She described her circumstances, including that her husband took her out of the country for two and one-half years and took her passport. She managed to escape once she returned to the US. She indicated she has been in therapy to address mental health issues directly related to the trauma she experienced, yet frequent nightmares persist. She characterized child marriage as being equivalent to child trafficking and abuse.

[2:00:49 PM](#)

SASHA TAYLOR, representing self, Washington, DC, urged members to increase the minimum age for marriage to 18, with no exceptions. She related the details of how her family forced her to submit to an arranged marriage to a man seven years older than her when she was age 15 and a sophomore in high school. She was married in Arizona because the legal age for marriage was 15, with parental permission. She stated that no child will speak freely when surrounded by family and pressured into submission. No one questioned her marriage because it was legal with her parents' consent. She noted that Arizona has since raised the minimum age for marriage to 16 with parental permission.

MS. TAYLOR stated that what almost every child marriage victim-survivor has in common are abuse and their socioeconomic background. These archaic laws keep the toxic cycle going. She offered her view that child marriage robbed her of her childhood. She urged members to stop the exploitation of minors.

[2:04:58 PM](#)

CHAIR HOLLAND closed public testimony on HB 62.

[2:05:07 PM](#)

SENATOR HUGHES commented that she heard some of the same testimony in Senate HSS. While what happened to these victims is horrible, one common theme was that the victims' families condoned the marriages. She highlighted several safeguards in HB 62. This bill sets the minimum age for marriage at 16 and limits the other party's age to not more than three years older. If the person is under age 18, a judge must approve it, and the minor would have an opportunity to be heard. She related her understanding that judges would meet with the minors in a separate room without the parents.

SENATOR HUGHES pointed out that as much as some victims want to blame the law, many of these victims' families arranged and condoned the marriages. She surmised that if the couple could not legally marry because the minor lived in a state that banned child marriages, the family may have allowed the young girl to be with the older person anyway. In some instances, the problem stems from family situations. She stated that in some cases, child marriages occur because a vulnerable 17-year-old girl falls in love with a 19 or 20-year-old man. She noted that the couple would still need to go before a judge.

[2:07:22 PM](#)

SENATOR SHOWER offered his view that a 16-year-old girl whose family was threatening her would be afraid to testify against them in front of the judge. Instead, he offered his view that she would

likely answer the questions the way her family told her to answer them. He wondered if the bill needed additional safeguards.

[2:09:00 PM](#)

SENATOR KIEHL thanked the survivors for their testimony. He said he grapples with the bill; yet finds that HB 62 is a material improvement over current law.

SENATOR KIEHL said the bill does not change AS 25.05.171(a). A 16 or 17-year-old who gets married with parental consent is not required to appear before a judge. He acknowledged that the bill repeals AS 25.05.171(a) [in Sec. 8 of the bill], so he stands corrected. Further, as Senator Hughes mentioned, the minor would have an opportunity to go before the judge.

SENATOR KIEHL identified one other protection in Alaska law. He said when someone is married at the age of 16 or 17, they legally become an adult and will have access to obtain a divorce without anyone else's consent.

[2:10:48 PM](#)

CHAIR HOLLAND referred to a 3-page amendment previously mentioned [drafted by Senator Costello]. He cautioned members against letting "the perfect become the enemy of the good." He offered his view that HB 62 is an improvement over current law. He expressed concern that making significant changes to the bill might cause issues in a conference committee.

[2:11:42 PM](#)

SENATOR HUGHES stated that she tended to agree that considering significant changes to the bill was a big policy call that shouldn't be made hurriedly. She suggested that the next legislature could vet this issue further. She expressed concern about the parents condoning these marriages. She highlighted women who married as teens but experienced good marriages, including a friend who was married at age 17 and has been happily married for over 35 years. She noted that her mother and Representative Johnson's mother were each married at age 16. She remarked that when she was a teenager she was as mature as when she was age 26 or 27 so some teens are mature. She said it was unfortunate that the testimony heard [related only to nonresident victims]. She suggested that the committee might be able to develop more precautions. She expressed an interest in considering penalizing parents who coerce their children to marry.

[2:14:05 PM](#)

CHAIR HOLLAND moved to adopt Amendment 1, work order 32-LS0272\I.2.

32-LS0272\I.2  
Foote  
5/7/22

**AMENDMENT 1**

OFFERED IN THE SENATE BY SENATOR HOLLAND  
TO: SCS CSHB 62 (HSS)

Page 2, line 1, following "accepting":  
Insert "reasonable, ordinary, and customary"

[2:14:09 PM](#)

SENATOR SHOWER objected for discussion purposes.

[2:14:24 PM](#)

CHAIR HOLLAND explained Amendment 1 addresses legislative travel and hospitality. He read a portion of Section 1. AS 24.60.030(a)(D), which read:

\* Section 1. AS 24.60.030(a) is amended to read:

- (a) A legislator or legislative employee may not
- (1) solicit, agree to accept, or accept a benefit other than official compensation for the performance of public duties; this paragraph may not be construed to prohibit ...
  - (D) a legislator from accepting travel and hospitality primarily for the purpose of solemnizing a marriage under AS 25.05.261(a)(4);"

CHAIR HOLLAND stated that Amendment 1 would insert "reasonable, ordinary, and customary" language after the word, "accepting". He stated that Amendment 1 would place some limits on what gratuities legislators are allowed to accept when solemnizing a marriage.

[2:15:25 PM](#)

SENATOR SHOWER stated that he was comfortable with Amendment 1. He said the intent was to prohibit legislators from going on a \$5,000 cruise on the Inside Passage or receiving a \$10,000 package at a fishing lodge. He said he thinks Amendment 1 will help.

[2:16:52 PM](#)

REPRESENTATIVE MATT CLAMAN, Alaska State Legislature, Juneau, Alaska, stated that he had no issues with Amendment 1. He indicated that Amendment 1 was consistent with the intent of the bill that passed the House.

[2:17:13 PM](#)

SENATOR SHOWER removed his objection.

CHAIR HOLLAND found no further objection, and Amendment 1 was adopted.

[2:17:32 PM](#)

SENATOR MYERS moved to adopt Amendment 2, work order 32-LS0272\I.8.

32-LS0272\I.8  
Foote  
5/7/22

## AMENDMENT 2

OFFERED IN THE SENATE BY SENATOR MYERS  
TO: SCS CSHB 62 (HSS)

Page 5, lines 3 - 4:

Delete "[AND IN THE PRESENCE OF AT LEAST TWO COMPETENT"

Insert "and in the presence of at least one [TWO] competent witness ["

Page 5, lines 5 - 6:

Delete "The person solemnizing the marriage must be [A COMPETENT WITNESS FOR THIS PURPOSE IS] a person"

Insert "A person is competent to solemnize or witness a marriage if the person is [COMPETENT WITNESS FOR THIS PURPOSE IS A PERSON] "

Page 5, lines 9 - 10:

Delete "person verifying the marriage [TWO ATTENDING WITNESSES] "

Insert "[TWO] attending witness [WITNESSES] "

Page 5, line 11:

Delete "person verifying the marriage"

Insert "witness"

Page 5, line 12:

Delete "person verifying the marriage"

Insert "witness"

Page 5, lines 15 - 16:

Delete "The person verifying the marriage is not required to witness the ceremony."

Page 5, line 20:

Delete "person verifying the marriage"

Insert "witness"

Page 5, line 29:

Delete "person verifying"

Insert "witness"

Page 6, lines 6 - 7:

Delete "[, OR WITHOUT REQUIRING THE PRESENCE OF TWO COMPETENT WITNESSES]"

Insert ", or without requiring the presence of one [TWO] competent witness [WITNESSES]"

[2:17:34 PM](#)

CHAIR HOLLAND objected for discussion purposes.

[2:17:36 PM](#)

SENATOR MYERS explained that Amendment 2 would reduce the requirement from two witnesses to one witness, but it does not remove the requirement entirely. He said marriage is not just a contract but a communal and public ritual. He stated that having a witness helps affirm the gravity of the ceremony. He acknowledged that some testifiers related their experiences with forced marriages. However, forced marriages don't stop when the woman is age 18. He recalled hearing about ISIS [Islamic State of Iraq and Syria] brides, where young women marry fighters in the Middle East. He offered his view that having a witness could provide a potential check, even though he understood that some brides and grooms would ask people in the street to witness their marriage by signing their marriage certificate.

[2:19:53 PM](#)

SENATOR KIEHL said he shared Senator Myer's view of the institution of matrimony, but he wondered how Amendment 2 helped.

SENATOR MYERS explained that Amendment 2 was a check because the witness could ask the parties if they were sure they wanted to be married. He noted a provision was added for a witness to confirm that each party intends to marry the other person, which is an enhancement to current law. He related his understanding that people try to get around it, including family pressuring their child, especially if family members signed as witnesses. He suggested that this may be something to address at a later time.

SENATOR HUGHES added that when the sponsor presented the bill, he indicated Alaska had become a popular wedding destination. Tourists and non-residents come to Alaska to get married, often taking a small plane or helicopter to a glacier to get married. Amendment 2 would allow the couple, officiant, and one witness to fly on a plane or helicopter that seats four people. The pilot could be the witness and observe the couple's interactions and body language, which might be helpful.

[2:23:17 PM](#)

CHAIR HOLLAND identified the work order for Amendment 2 as 32-LS0272\I.8.

[2:23:23 PM](#)

REPRESENTATIVE CLAMAN stated that he had used the term "verifier" but respects the will of the committee to use the term "witness." He highlighted that it is important that Amendment 2 does not affect Sec. 5 of the bill on page 5, which read:

(b) The person solemnizing the marriage and the person verifying the marriage shall provide their printed names, mailing and electronic mail addresses, and telephone numbers on the forms provided by the bureau or by a church or congregation.

REPRESENTATIVE CLAMAN stated that this new language could help locate the witness, if necessary.

[2:24:23 PM](#)

SENATOR MYERS agreed that Sec. 5 was beneficial because it provides contact information, especially since there could be potential prosecution for forced marriages. It would be helpful

to have the witness or verifier relate what they observed at the time of the wedding.

[2:24:56 PM](#)

CHAIR HOLLAND removed his objection; he found no further objection, and Amendment 2 was adopted.

[2:25:26 PM](#)

SENATOR HUGHES moved to adopt Conceptual Amendment 1, which read:

Page 5, line 16, following "ceremony."

**Insert "The marriage certificate shall state that the witness has confirmed with each party that the parties are entering the marriage intentionally and in the exercise of each party's own free will."**

[2:25:29 PM](#)

CHAIR HOLLAND objected for discussion purposes.

[2:25:36 PM](#)

SENATOR HUGHES explained Conceptual Amendment 1. She recalled that the sponsor indicated that the verifier would verify that each party intends to marry the other party. She stated that if she was a verifier of a wedding on a glacier, she might not know that the statute requires her to confirm the couple's intention. Thus, the language in Conceptual Amendment 1, could be small print placed on the bottom of the marriage certificate to inform the witness of their obligation. It would provide additional protection against any coercion or forced marriage. The marriage certificate would be required to state that the witness has confirmed with each party that the parties are entering the marriage intentionally and exercising each party's own free will. Many people frame their marriage certificates, so the language stating their intention at the time would be a friendly reminder for them.

[2:28:13 PM](#)

SENATOR SHOWER offered his view that Conceptual Amendment 1 was moving in the right direction. However, he said he has an acquaintance who married at age 16 or 17. He maintained that a young person being forced into marriage who lives in fear of their life will not say anything to a judge. He acknowledged that the committee was adding safeguards, but it still would not solve the problem.

[2:29:06 PM](#)

At ease

[2:31:58 PM](#)

CHAIR HOLLAND reconvened the meeting.

[2:32:19 PM](#)

SENATOR HUGHES commented that members were reviewing a bill section during the at-ease. She maintained that the legislature should address parental behavior regarding child marriage at some future time.

SENATOR HUGHES acknowledged that most of the testimony on HB 62 was from nonresidents. However, Sec. 2 would require the judge to grant permission for a person who has reached age 16 but is under 18 to conduct a hearing and find whether the marriage is in the minor's best interest.

REPRESENTATIVE CLAMAN responded that courts were accustomed to making decisions in a minor's best interest. This was an example of the value of an independent judiciary because it meant that the judges were selected through a process that made them unlikely to be subject to some political influence. Although he had not appeared in any case with a minor seeking to get married, he said he had appeared in countless cases involving minors and had never seen a case where a judge did not take that obligation to find in the best interest of the child very seriously.

REPRESENTATIVE CLAMAN stated that he had observed a judge send the parents out of the room, remove their robe and speak with the child one-on-one to lessen the power relationship. He offered his view that the courts take their work very seriously. He said the committee could be confident that the decisions made by judges in Alaska would be made with great care and consideration. He acknowledged that this does not remove the concern Senator Shower raised about minors testifying and recounting what their parents coached them to say because there would be consequences if they did not do so. Still, this may be as good as it can get and represents a significant step forward.

[2:35:35 PM](#)

REPRESENTATIVE CLAMAN directed attention to a copy of the latest marriage certificate from the Health Analytics & Vital Records Section, revised in May 2021, in members' packet. He suggested the committee consider amending Conceptual Amendment 1 to apply to the officiant solemnizing the marriage, not just the witness.

REPRESENTATIVE CLAMAN added that when the officiant performs the ceremony, they ask each party if they intend to take this person as their lawfully-wedded husband or lawfully-wedded wife, and the parties respond orally.

[2:37:11 PM](#)

SENATOR HUGHES moved to adopt Conceptual Amendment 1 to Conceptual Amendment 1.

[2:37:22 PM](#)

At ease

[2:38:09 PM](#)

CHAIR HOLLAND reconvened the meeting and solicited a motion from Senator Hughes.

[2:38:19](#)

SENATOR HUGHES moved to adopt Conceptual Amendment 1 to Conceptual Amendment 1, which read:

Insert on line 2, after "that" add, "the person solemnizing the marriage and", and also on line 2 of Conceptual Amendment 1 to change "has" to "have".  
Conceptual Amendment 1 to Conceptual Amendment 1, would read

Page 5, line 16, following "ceremony.":

**Insert "The marriage certificate shall state that the person solemnizing the marriage and the witness have confirmed with each party that the parties are entering the marriage intentionally and in the exercise of each party's own free will."**

[2:38:51 PM](#)

CHAIR HOLLAND objected for discussion purposes.

[2:38:59 PM](#)

CHAIR HOLLAND removed his objection; he found no further objection, and Conceptual Amendment 1 to Conceptual Amendment 1 was adopted.

CHAIR HOLLAND noted that Conceptual Amendment 1, as amended, was before the committee.

[2:39:36 PM](#)

CHAIR HOLLAND removed his objection; he found no further objection, and Conceptual Amendment 1, as amended, was adopted.

CHAIR HOLLAND stated that he would not offer any further amendments.

[2:40:45 PM](#)

CHAIR HOLLAND stated that the Legislative Legal Services was authorized to make any technical and conforming changes to follow the committee's intent.

CHAIR HOLLAND stated he was willing to pursue the age of consent in Alaska. He provided some statistics on how Alaska's minimum age for marriage compares to other states if HB 62 were to become law. Alaska would no longer become one of two states that allow minors 14 to marry and one of 21 states that allow minors 16 to marry. He provided additional statistics, including that 10 states allow minors who are age 17 to marry, and 4 states require people wishing to marry to be adults, which is age 18.

SENATOR SHOWER said raising the minimum age for marriage from 14 to 16 is an improvement. He acknowledged the bill doesn't go far enough. He also expressed his willingness to fix this.

REPRESENTATIVE CLAMAN stated that he largely agreed with Chair Holland and Senator Hughes that in an ideal world, minors under the age of 18 would not be allowed to marry, without exception. However, he did not want the perfect to be the enemy of the good.

[2:43:24 PM](#)

SENATOR SHOWER moved to report the Senate committee substitute (SCS) for CSHB 62, work order 32-LS0272\I, as amended, from committee with individual recommendations and attached fiscal note(s).

CHAIR HOLLAND found no objection, and SCS CSHB 62(JUD) was reported from the Senate Judiciary Standing Committee.

[2:44:17 PM](#)

CHAIR HOLLAND recessed the Senate Judiciary Standing Committee to a call of the Chair.

[The meeting was reconvened on Monday, May 16, 2022.]