

1 IN THE SENATE

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HCS CS SENATE BILL NO. 28 am H

2
3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the capacity of persons to consent
7 to marriage; and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 *Section 1. AS 25.05.171 is repealed and re-enacted to read:

10 Sec. 25.05.171. PERSONS CAPABLE OF CONSENTING TO AND CONSUMMATING
11 MARRIAGE: MINIMUM AGES, AND CONSENT OF PARENTS OR GUARDIAN, OR COURT
12 ORDER. (a) An unmarried person of the age of 19 years or upwards, and
13 not otherwise disqualified, is capable of consenting to and consummating
14 marriage.

15 (b) A person under the age of 19 years is capable of consenting to
16 and consummating marriage if each of the following documents is filed
17 with the licensing officer issuing the marriage license as provided in
18 sec. 111 of this chapter:

19 (1) the consent in writing of the parents of each person who
20 is underage, or of the parent having actual care, custody and control,
21 or of his or her guardian;

22 (2) after such showing as the superior court may require, an
23 order of the court granting permission to the underage person to marry.

24 (c) As part of the order under (b) of this section, the court
25 shall require the parties to the prospective marriage of a person under
26 the age of 19 years to participate in premarital counseling concerning
27 social, economic, and personal responsibilities incident to marriage, if
28 it considers counseling necessary. The parties may not be required,
29 without their consent, to confer with counselors provided by religious

HCS¹ CS SB 28 am H

1 organizations of any denomination. In determining whether to order the
2 parties to participate in premarital counseling, the court shall con-
3 sider, among other factors, the ability of the parties to pay for the
4 counseling.

5 * Sec. 2. AS 25.05.191 is amended to read:

6 Sec. 25.05.191. MARRIAGE LICENSE DOCKET. Each licensing officer
7 shall keep in his office, in a book to be provided to him by the bureau,
8 a marriage license docket, and shall enter a complete record of the
9 applications for and the issuance of all marriage licenses and of all
10 other information he is required by law to obtain. Marriage commis-
11 sioners shall keep the marriage license docket in duplicate. The marriage
12 license docket shall be open for public inspection or examination during
13 office hours. [DOCKET SHEETS AND RELATED FORMS PERTAINING TO APPLICA-
14 TIONS OF LICENSES ISSUED UNDER SEC. 171(b) OF THIS CHAPTER SHALL BE
15 REMOVED FROM THE DOCKET AND SHALL NOT BE OPEN TO PUBLIC INSPECTION.]

16 * Sec. 3. AS 25.05.351 is amended to read:

17 Sec. 25.05.351. VIOLATION CONCERNING MARRIAGE LICENSE DOCKET. A
18 licensing officer who refuses or neglects to enter upon the marriage
19 license docket before the license has been issued a complete record of
20 each application and of each marriage license issued from his office,
21 or who fails to keep the marriage license docket open for inspection
22 or examination by the public during office hours [, OR WHO PERMITS THE
23 INSPECTION OF DOCKET SHEETS WHICH ARE SPECIFICALLY EXCLUDED FROM PUBLIC
24 INSPECTION AND EXAMINATION BY SECS. 171(b) AND 191 OF THIS CHAPTER] is
25 guilty of a misdemeanor, and upon conviction is punishable by a fine of
26 not more than \$50. Each failure, neglect, or refusal constitutes a
27 separate offense.

28 * Sec. 4. This Act takes effect immediately in accordance with AS 01.10.-
29 070(c).