

Original sponsor: Ziegler, Croft
and Bradley

Offered: 3/7/75
Referred: Rules

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 28 am H

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 25.05.011(a) is amended to read:

10 (a) Marriage is a civil contract requiring both a license and
11 solemnization which may be entered into by

12 (1) a person who is 18 [19] years of age or older, who is
13 otherwise capable, or

14 (2) those who qualify for a license under sec. 171 of this
15 chapter, or

16 (3) a member of the armed forces of the United States while
17 on active duty.

18 * Sec. 2. AS 25.05.171 is repealed and re-enacted to read:

19 Sec. 25.05.171. PERSONS CAPABLE OF CONSENTING TO MARRIAGE:

20 MINIMUM AGES, AND CONSENT OF PARENTS OR GUARDIAN. (a) A person who
21 has reached the age of 16 but under the age of 18 years shall be issued
22 a marriage license if the written consent of the parents of each person
23 who is underage, or of the parent having actual care, custody and con-
24 trol, or of his or her guardian is filed with the licensing officer
25 issuing the marriage license as provided in sec. 111 of this chapter.

26 (b) A superior court judge may grant permission for a person who
27 has reached the age of 14 but under 18 years of age to marry and order
28 the licensing officer to issue the license if he finds, following a
29 hearing at which the parents and children are given the opportunity to

1 appear and be heard,

2 (1) that the parents have given their consent; or

3 (2) that the parents are

4 (A) arbitrarily and capriciously withholding consent; or

5 (B) absent or otherwise unaccountable; or

6 (C) in disagreement amongst themselves on the question;

7 or

8 (D) unfit to decide the matter; and

9 (3) that the marriage is in the best interest of the minor.

10 * Sec. 3. AS 25.05.191 is amended to read:

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

22 * Sec. 4. AS 25.05.351 is amended to read:

23 Sec. 25.05.351. VIOLATION CONCERNING MARRIAGE LICENSE DOCKET. A
24 licensing officer who refuses or neglects to enter upon the marriage
25 license docket before the license has been issued a complete record of
26 each application and of each marriage license issued from his office, or
27 who fails to keep the marriage license docket open for inspection or
28 examination by the public during office hours [, OR WHO PERMITS THE
29 INSPECTION OF DOCKET SHEETS WHICH ARE SPECIFICALLY EXCLUDED FROM PUBLIC

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INSPECTION AND EXAMINATION BY SECS. 171(b) AND 191 OF THIS CHAPTER] is
guilty of a misdemeanor, and upon conviction is punishable by a fine of
not more than \$50. Each failure, neglect, or refusal constitutes a
separate offense.

* Sec. 5. This Act takes effect immediately in accordance with AS 01.10.-
070(c).