



# LAWS OF ALASKA

1975

Source

HCS CSSB 28 am H

Chapter No.

28

## AN ACT

Relating to the capacity of persons to consent to marriage; and providing for an effective date.

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

\* Section 1. AS 25.05.011(a) is amended to read:

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

(1) a person who is 18 years of age or older, who is otherwise capable, or

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

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

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 AS 25.05.171 is repealed and re-enacted to read:

Sec. 25.05.171. PERSONS CAPABLE OF CONSENTING TO MARRIAGE: MINIMUM AGES, AND CONSENT OF PARENTS OR GUARDIAN.

(a) A person who has reached the age of 16 but under the age of 18 years shall be issued a marriage license if the written consent of the parents of each person who is under-age, or of the parent having actual care, custody and control, or of his or her guardian is filed with the licensing officer issuing the marriage license as provided in sec. 111 of this chapter.

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

be heard,

- (1) that the parents have given their consent; or
- (2) that the parents are
  - (A) arbitrarily and capriciously withholding consent; or
  - (B) absent or otherwise unaccountable; or
  - (C) in disagreement amongst themselves on the question; or
  - (D) unfit to decide the matter; and
- (3) that the marriage is in the best interest of the minor.

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

Sec. 25.05.191. MARRIAGE LICENSE DOCKET. Each licensing officer shall keep in his office, in a book to be provided to him by the bureau, a marriage license docket, and shall enter a complete record of the applications for and the issuance of all marriage licenses and of all other information he is required by law to obtain. Marriage commissioners shall keep the marriage license docket in duplicate. The marriage license docket shall be open for public inspection or examination during office hours.

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

Sec. 25.05.351. VIOLATION CONCERNING MARRIAGE LICENSE DOCKET. A licensing officer who refuses or neglects to enter upon the marriage license docket before the license has been issued a complete record of each application and of each marriage license issued from his office, or who fails to keep the marriage license docket open for inspection or examination by the public during office hours 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).