

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SENATE BILL 2012

By: Sweeden

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5  
6 AS INTRODUCED

7 An Act relating to marriage and family; amending 43  
8 O.S. 2001, Section 3, as amended by Section 4,  
9 Chapter 422, O.S.L. 2004 (43 O.S. Supp. 2007, Section  
10 3), which relates to who may marry; conforming  
11 language; establishing ineligibility of certain  
12 persons; and providing an effective date.

13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 43 O.S. 2001, Section 3, as  
15 amended by Section 4, Chapter 422, O.S.L. 2004 (43 O.S. Supp. 2007,  
16 Section 3), is amended to read as follows:

17 Section 3. A. Any unmarried person who is at least eighteen  
18 (~~contracting~~ entering into a contract for and consenting to marriage  
19 with a person of the opposite sex.

20 B. 1. Except as otherwise provided by this subsection, no  
21 person under the age of eighteen (18) years shall enter into the  
22 marriage relation, nor shall any license issue therefor, except:  
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- 1 a. upon the consent and authority expressly given by the  
2 parent or guardian of such underage applicant in the  
3 presence of the authority issuing such license,
- 4 b. upon the written consent of the parent or guardian of  
5 such underage applicant executed and acknowledged in  
6 person before a judge of the district court or the  
7 court clerk of any county within the State of  
8 Oklahoma,
- 9 c. if the parent or guardian resides outside of the State  
10 of Oklahoma, upon the written consent of the parent or  
11 guardian executed before a judge or clerk of a court  
12 of record. The executed foreign consent shall be duly  
13 authenticated in the same manner as proof of documents  
14 from foreign jurisdictions,
- 15 d. if the certificate of a duly licensed medical doctor  
16 or osteopath, acknowledged in the manner provided by  
17 law for the acknowledgment of deeds, and stating that  
18 such parent or guardian is unable by reason of health  
19 or incapacity to be present in person, is presented to  
20 such licensing authority, upon the written consent of  
21 the parent or guardian, acknowledged in the same  
22 manner as the accompanying medical certificate,
- 23 e. if the parent or guardian is on active duty with the  
24 Armed Forces of the United States, upon the written

1 permission of the parent or guardian, acknowledged in  
2 the manner provided by law for acknowledgment of deeds  
3 by military personnel authorized to administer oaths.  
4 Such permission shall be presented to the licensing  
5 authority, accompanied by a certificate executed by a  
6 commissioned officer in command of the applicant, to  
7 the effect that the parent or guardian is on active  
8 duty in the Armed Forces of the United States, or  
9 f. upon affidavit of three (3) reputable persons stating  
10 that both parents of the minor are deceased, or  
11 mentally incompetent, or their whereabouts are unknown  
12 to the minor, and that no guardian has theretofore  
13 been appointed for the minor. The judge of the  
14 district court issuing the license may in his or her  
15 discretion consent to the marriage in the same manner  
16 as in all cases in which consent may be given by a  
17 parent or guardian.

18 2. Every person under the age of sixteen (16) years is  
19 expressly forbidden and prohibited from entering into the marriage  
20 relation except when authorized by the court:

- 21 a. in settlement of a suit for seduction or paternity, or
- 22 b. if the unmarried female is pregnant, or has given  
23 birth to an illegitimate child and at least one parent  
24 of each minor, or the guardian or custodian of such

1 child, is present before the court and has an  
2 opportunity to present evidence in the event such  
3 parent, guardian, or custodian objects to the issuance  
4 of a marriage license. If they are not present the  
5 parent, guardian, or custodian may be given notice of  
6 the hearing at the discretion of the court.

7 3. A parent or a guardian of any child under the age of  
8 eighteen (18) years who is in the custody of the Department of Human  
9 Services or the Department of Juvenile Justice shall not be eligible  
10 to consent to the marriage of such minor child as required by the  
11 provisions of this subsection.

12 4. Any certificate or written permission required by this  
13 subsection shall be retained by the official issuing the marriage  
14 license.

15 C. No marriage may be authorized when such marriage would be  
16 incestuous under this chapter.

17 D. A person in the custody of the Department of Corrections  
18 under a judgment of death shall not be eligible to enter into a  
19 contract for and consent to marriage.

20 SECTION 2. This act shall become effective November 1, 2008.

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