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An Act relating to marriage; amending 43 O.S. 2021, Section 3, which relates to eligibility to marry; imposing age restriction on eligibility to marry; removing exceptions; updating statutory reference; and providing an effective date.

By: Hamilton

SECTION 1. AMENDATORY 43 O.S. 2021, Section 3, is amended to read as follows:

~~B. 1. Except as otherwise provided by this subsection, no person under the age of eighteen (18) years shall enter into the marriage relation, nor shall any license issue therefor, except:~~

~~a. upon the consent and authority expressly given by the  
parent or guardian of such underage applicant in the  
presence of the authority issuing such license,~~

1       ~~b. upon the written consent of the parent or guardian of~~  
2       ~~such underage applicant executed and acknowledged in~~  
3       ~~person before a judge of the district court or the~~  
4       ~~court clerk of any county within the State of~~  
5       ~~Oklahoma,~~

6       ~~c. if the parent or guardian resides outside of the State~~  
7       ~~of Oklahoma, upon the written consent of the parent or~~  
8       ~~guardian executed before a judge or clerk of a court~~  
9       ~~of record. The executed foreign consent shall be duly~~  
10      ~~authenticated in the same manner as proof of documents~~  
11      ~~from foreign jurisdictions,~~

12      ~~d. if the certificate of a duly licensed medical doctor~~  
13      ~~or osteopath, acknowledged in the manner provided by~~  
14      ~~law for the acknowledgment of deeds, and stating that~~  
15      ~~such parent or guardian is unable by reason of health~~  
16      ~~or incapacity to be present in person, is presented to~~  
17      ~~such licensing authority, upon the written consent of~~  
18      ~~the parent or guardian, acknowledged in the same~~  
19      ~~manner as the accompanying medical certificate,~~

20      ~~e. if the parent or guardian is on active duty with the~~  
21      ~~Armed Forces of the United States, upon the written~~  
22      ~~permission of the parent or guardian, acknowledged in~~  
23      ~~the manner provided by law for acknowledgment of deeds~~  
24      ~~by military personnel authorized to administer oaths.~~

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

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

- 18       ~~a. in settlement of a suit for seduction or paternity, or~~  
19       ~~b. if the unmarried female is pregnant, or has given~~  
20       ~~birth to an illegitimate child and at least one parent~~  
21       ~~of each minor, or the guardian or custodian of such~~  
22       ~~child, is present before the court and has an~~  
23       ~~opportunity to present evidence in the event such~~  
24       ~~parent, guardian, or custodian objects to the issuance~~

1                   ~~of a marriage license. If they are not present the~~  
2                   ~~parent, guardian, or custodian may be given notice of~~  
3                   ~~the hearing at the discretion of the court.~~

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

9           ~~4. Any certificate or written permission required by this~~  
10 ~~subsection shall be retained by the official issuing the marriage~~  
11 ~~license.~~

12           ~~6.~~ No marriage may be authorized when such marriage would be  
13 incestuous under this ~~chapter~~ title.

14           SECTION 2. This act shall become effective November 1, 2026.

15 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY  
16 February 10, 2026 - DO PASS  
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