

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 427

STATE OF NEW JERSEY

DATED: APRIL 5, 2018

The Senate Judiciary Committee reports favorably Senate Bill No. 427.

This bill would bar persons under the age of 18 from marrying or entering into a civil union. Under current law, marriage or civil union licenses may be issued to a minor who is 16 or 17 years of age, if the minor's parents or guardian, if any, consent to the proposed marriage or civil union. If the minor is under the age of 16, a judge of the Superior Court must also consent to the proposed marriage or civil union. The bill would eliminate the authority for these third parties to consent to the proposed marriage or civil union of a minor, thus only permitting the issuance of marriage or civil union licenses to persons who are at least 18 years of age.

The bill also removes an outdated cross-reference to R.S.37:1-6, which previously permitted the immediate, emergency issuance of a marriage license to a male under the age of 18, without the need for third party consent and the passing of the standard 72-hour waiting period, if that male was arrested on the charge of sexual intercourse with a female "of good repute for chastity who has thereby become pregnant." Such emergency application was deleted from the law over a decade ago by section 10 of P.L.2006, c.103, thereby eliminating any need for the cross-reference.

This bill was pre-filed for introduction in the 2018-2019 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.