

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5003

By Delegate Young

[Introduced January 23, 2024; Referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §48-2-301 of the Code of West Virginia, 1931, as amended, relating
2 to the changing the age of consent for marriages.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. MARRIAGES.

§48-2-301. Age of consent for marriage; exception.

1 (a) The age of consent for marriage for all persons, both male and female, is 18 years of
2 age. A person under the age of 18 lacks the capacity to marry without the consents required by this
3 section.

4 (b) The clerk of the county commission may issue a marriage license to an applicant under
5 the age of 18 but at least 16 years of age if the clerk obtains valid written consent from the
6 applicant and from the applicant's parent or parents or the applicant's legal guardian or guardians
7 as outlined in this section: *Provided*, That a marriage license may not be issued to an applicant
8 who is under the age of 18 but who is at least 16 years of age if the person whom the applicant
9 seeks to marry is more than four years older than the applicant.

10 (c) An applicant or applicants for a marriage license who are under the age of 18 must
11 reside within the state of West Virginia to be issued a marriage license under the provisions of this
12 section.

13 (d) An applicant who is under the age of 18 but who is at least 16 years of age must give
14 his or her signed and acknowledged affirmation that he or she is freely and voluntarily choosing to
15 enter into a marriage with the person named in the application as part of the written consent
16 required by this section. The applicant must also provide, as part of the same written consent, a
17 signed and acknowledged affirmation that his or her decision to enter into the marriage is not the
18 product of duress or coercion by any person.

19 (d)(e) A consent to marry must be duly acknowledged before an officer authorized to
20 acknowledge a deed. If the parents of the applicant are living together at the time the application
21 for a marriage license is made and the consent is given, the signatures of both parents or the

22 signature of the applicant's legal guardian or guardians is required. If one parent is dead, the
23 signature of the surviving parent or the applicant's legal guardian or guardians is required. If both
24 parents are dead, the signature of the applicant's legal guardian or guardians is required. If the
25 parents of the applicant are living separate and apart, the signature of the parent or parents having
26 decision-making authority for the applicant, or the applicant's legal guardian or guardians is
27 required: *Provided*, That, if the applicant's parents are separate and apart or divorced but have
28 substantially equal parenting rights over the applicant, the signature of both parents is required.

29 ~~(e)~~(f) A person who is under the age of 18 but at least 16 years of age and who is married in
30 accordance with the provisions of this section may petition, without the consent of his or her
31 parents or legal guardian or guardians, for an annulment of that marriage until he or she reaches
32 18 years of age.

33 ~~(f)~~(g) Nothing in this section may serve to annul or void a marriage entered into prior to the
34 re-enactment of this statute during the 2023 Regular Session of the Legislature, nor shall it serve
35 to annul or void an otherwise legal marriage entered into in a jurisdiction outside of the State of
36 West Virginia.

NOTE: The purpose of this bill is to require that any 16 or 17 year old who seeks a marriage license from the county clerks of this state be a West Virginia resident.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.