

---

---

## A BILL FOR AN ACT

RELATING TO TERMINATION OF PRIOR UNIONS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 572-1, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§572-1 Requisites of valid marriage contract.** In order  
4 to make valid the marriage contract, which shall be permitted  
5 between two individuals without regard to gender, it shall be  
6 necessary that:

7           (1) The respective parties do not stand in relation to  
8 each other of ancestor and descendant of any degree  
9 whatsoever, two siblings of the half as well as to the  
10 whole blood, uncle and niece, uncle and nephew, aunt  
11 and nephew, or aunt and niece, whether the  
12 relationship is the result of the issue of parents  
13 married or not married to each other or parents who  
14 are partners in a civil union or not partners in a  
15 civil union;

16           (2) Each of the parties at the time of contracting the  
17 marriage is at least sixteen years of age; provided  
18 that with the written approval of the family court of



1 the circuit within which the minor resides, it shall  
2 be lawful for a person under the age of sixteen years,  
3 but in no event under the age of fifteen years, to  
4 marry, subject to section 572-2;

5 (3) Neither party has at the time any living and lawful  
6 [wife, husband, or civil union partner living,]:

7 (A) Wife;

8 (B) Husband;

9 (C) Civil union partner;

10 (D) Reciprocal beneficiary; or

11 (E) Partner in a domestic partnership,

12 and is not party to any other legally recognized union  
13 with another living person, except as provided in  
14 section 572-1.7;

15 (4) Consent of neither party to the marriage has been  
16 obtained by force, duress, or fraud;

17 (5) Neither of the parties is a person afflicted with any  
18 loathsome disease concealed from, and unknown to, the  
19 other party;

20 (6) The parties to be married in the State shall have duly  
21 obtained a license for that purpose from the agent  
22 appointed to grant marriage licenses; and



1           (7) The marriage ceremony be performed in the State by a  
2           person or society with a valid license to solemnize  
3           marriages and the parties to be married and the person  
4           performing the marriage ceremony be all physically  
5           present at the same place and time for the marriage  
6           ceremony."

7           SECTION 2. Section 572-6, Hawaii Revised Statutes, is  
8           amended to read as follows:

9           "**§572-6 Application; license; limitations.** To secure a  
10          license to marry, the persons applying for the license shall  
11          appear personally before an agent authorized to grant marriage  
12          licenses and shall file with the agent an application in  
13          writing. The application shall be accompanied by a statement  
14          signed and sworn to by each of the persons, setting forth: the  
15          person's full name, date of birth, social security number,  
16          residence; their relationship, if any; the full names of  
17          parents; and that all prior marriages [~~or~~], civil unions,  
18          reciprocal beneficiary relationships, domestic partnerships, or  
19          other legally recognized unions, if any, other than an existing  
20          civil union, reciprocal beneficiary relationship, domestic  
21          partnership, or other legally recognized union between the  
22          persons applying for the marriage license, have been dissolved



1 by death or dissolution. If all prior marriages [~~or~~], civil  
2 unions, reciprocal beneficiary relationships, domestic  
3 partnerships, or other legally recognized unions, other than an  
4 existing civil union, reciprocal beneficiary relationship,  
5 domestic partnership, or other legally recognized union between  
6 the persons applying for the marriage license, have been  
7 dissolved by death or dissolution, the statement shall also set  
8 forth the date of death of the last prior spouse or the date and  
9 jurisdiction in which the last decree of dissolution was  
10 entered. Any other information consistent with the standard  
11 marriage certificate as recommended by the Public Health  
12 Service, National Center for Health Statistics, may be requested  
13 for statistical or other purposes, subject to approval of and  
14 modification by the department of health; provided that the  
15 information shall be provided at the option of the applicant and  
16 no applicant shall be denied a license for failure to provide  
17 the information. The agent shall [~~indorse~~] endorse on the  
18 application, over the agent's signature, the date of the filing  
19 thereof and shall issue a license [~~which~~] that shall bear on its  
20 face the date of issuance. Every license shall be of full force  
21 and effect for thirty days commencing from and including the  
22 date of issuance. After the thirty-day period, the license



1 shall become void and no marriage ceremony shall be performed  
2 thereon.

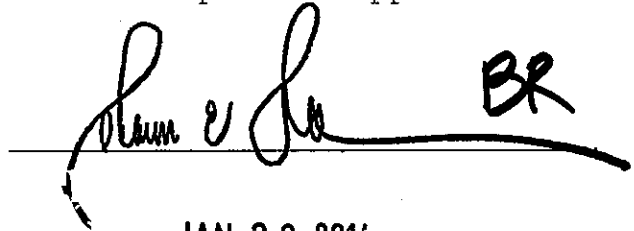
3 It shall be the duty of every person, legally authorized to  
4 grant licenses to marry, to immediately report the issuance of  
5 every marriage license to the agent of the department of health  
6 in the district in which the license is issued, setting forth  
7 all facts required to be stated in [~~such~~] a manner and on [~~such~~]  
8 a form as the department may prescribe."

9 SECTION 3. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

11 SECTION 4. This Act shall take effect upon its approval.

12

INTRODUCED BY:



JAN 23 2014



**Report Title:**

Termination of Prior Unions; Reciprocal Beneficiaries; Domestic Partners

**Description:**

Clarifies marriage requirements to specifically prohibit either party from having an existing reciprocal beneficiary relationship, domestic partnership, or any other legally recognized union with another living person, except in the case of persons seeking to marry without first terminating their civil union or reciprocal beneficiary relationship as provided under current law. Conforms information required on marriage license applications.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

