

Honolulu, Hawaii

FEB 28 2019

RE: S.B. No. 419
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 419 entitled:

"A BILL FOR AN ACT RELATING TO MARRIAGE,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Raise the minimum age requirement to enter into marriage from sixteen to eighteen years of age;
- (2) Remove the parental consent and written approval by the Family Court requirements for a minor to marry;
- (3) Require, rather than permit, the Family Court to declare void the marriage contract on the ground that the parties, or either of them, had not attained the legal age of marriage at the time of the marriage;
- (4) Remove spousal cohabitation after the parties attain legal age as an exception for an annulment based on nonage; and
- (5) Make conforming amendments to reflect the change in the legal age for marriage and repeal certain parental and judicial consent requirements for marriage.



Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that numerous states are reviewing existing laws to consider amending the minimum age for marriage in order to protect young adults under the age of eighteen. Proponents for raising the legal age for marriage are concerned that allowing young adults, who are minors under the law, to marry may contribute to sex trafficking or marriages obtained by force or duress. One study showed that while most minors were sixteen or seventeen years of age at the time of marriage, some were as young as twelve years of age. The vast majority of these marriages were between a minor female and an adult male. Your Committee further finds that, in Hawaii, existing state law allows minors as young as sixteen years of age to marry. State law further authorizes the family court to approve a marriage of a minor of fifteen years of age. This measure amends and repeals existing law allowing minors to marry, ensuring the end of child marriage in Hawaii.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 419, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 419, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,

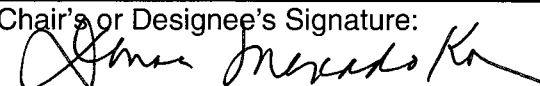


KARL RHOADS, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* <i>SB 419</i>	Committee Referral: <i>JDC</i>	Date: <i>2/22/19</i>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	/			
WAKAI, Glenn (VC)				/
GABBARD, Mike	/			
KIM, Donna Mercado	/			
FEVELLA, Kurt				/
TOTAL	3			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes