

A Bill for an Act Relating to Entering the Marriage State.

Be It Enacted by the Legislature of the State of Hawaii:

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

“§572-1 Requisites of valid marriage contract. In order to make valid the marriage contract, it shall be necessary that:

- (1) The respective parties do not stand in relation to each other of ancestor and descendant of any degree whatsoever, brother and sister of the half as well as to the whole blood, uncle and niece, aunt and nephew, whether the relationship is legitimate or illegitimate;
- (2) Each of the parties at the time of contracting the marriage is at least sixteen years of age; provided that[,] with the written approval of the family court of the circuit within which the minor resides, it shall be lawful for a person under the age of sixteen years, but in no event under the age of fifteen years, to marry, subject to section 572-2;
- (3) The man does not at the time have any lawful wife living and that the woman does not at the time have any lawful husband living;
- [(4) Neither of the parties is impotent or physically incapable of entering into the marriage state;
- (5)] (4) Consent of neither party to the marriage has been obtained by force, duress, or fraud;

- [(6)] (5) Neither of the parties is a person afflicted with any loathsome disease concealed from, and unknown to, the other party;
- [(7)] (6) It shall in no case be lawful for any person to marry in the State without a license for that purpose duly obtained from the agent appointed to grant marriage licenses; and
- [(8)] (7) The marriage ceremony be performed in the State by a person or society with a valid license to solemnize marriages and the man and the woman to be married and the person performing the marriage ceremony be all physically present at the same place and time for the marriage ceremony.”

SECTION 2. Section 580-21, Hawaii Revised Statutes, is amended to read as follows:

“§580-21 **Grounds for annulment.** The family court may, by a decree on¹ nullity, declare void the marriage contract for any of the following causes, existing at the time of the marriage:

- (1) That the parties stood in relation to each other of ancestor and descendant of any degree whatsoever, brother and sister of the half as well as the whole blood, uncle and niece, aunt and nephew, whether the relationship is legitimate or illegitimate;
- (2) That the parties, or either of them, had not attained the legal age of marriage;
- (3) That the husband had an undivorced wife living, or the wife had an undivorced husband living;
- (4) That one of the parties lacked the mental capacity to consent to the marriage;
- [(5)] That one of the parties was impotent or physically incapable of entering into the marriage state;
- (6) (5) That consent to the marriage of the party applying for annulment was obtained by force, duress, or fraud, and there has been no subsequent cohabitation;
- [(7)] (6) That one of the parties was a sufferer of or afflicted with any loathsome disease and the fact was concealed from, and unknown to, the party applying for annulment.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.

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

(Approved May 18, 1984.)

Note

- 1. So in original.