



2019 SENATE BILL 644

January 8, 2020 - Introduced by Senators SMITH, LARSON and SCHACHTNER, cosponsored by Representatives ANDERSON, SARGENT, BILLINGS, BROSTOFF, CABRERA, CONSIDINE, EMERSON, L. MYERS, NEUBAUER, SINICKI, SKOWRONSKI, SPREITZER, STUBBS, SUBECK, C. TAYLOR, WICHGERS and ZAMARRIPA. Referred to Committee on Public Benefits, Licensing and State-Federal Relations.

1 **AN ACT to repeal** 765.02 (2); **to renumber** 765.02 (1); and **to amend** 765.11 (1),
2 765.30 (2) (a) and 767.313 (1) (c) of the statutes; **relating to:** age for marriage.

Analysis by the Legislative Reference Bureau

This bill eliminates an existing exception to the marriageable age for certain minors between the ages of 16 and 18 and, accordingly, establishes that all persons must be 18 years of age or older in order to marry.

Under current law, a person who is at least 16 years old, but under 18 years old, may obtain a marriage license if the person provides the county clerk with written consent from the person's parents, guardian, custodian, or parent having the actual care, custody and control of the person. The required written consent must meet certain formal requirements for verification and must be filed with the county clerk at the time the person files an application for a marriage license. In certain limited circumstances, a court may provide the required written consent. This bill eliminates any exception to the general requirement that a person must be 18 years of age or older in order to marry.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 765.02 (1) of the statutes is renumbered 765.02.

4 **SECTION 2.** 765.02 (2) of the statutes is repealed.

SENATE BILL 644**SECTION 3**

1 **SECTION 3.** 765.11 (1) of the statutes is amended to read:

2 765.11 (1) If any parent, grandparent, child, ~~or natural guardian of a minor~~
3 ~~applicant for a marriage license, any,~~ brother, sister, or guardian of either of the
4 applicants for a marriage license, either of the applicants, the district attorney, or a
5 circuit court commissioner believes that the statements of the application are false
6 or insufficient, or that an applicant is adjudicated incompetent without the right to
7 marry, that person may file with the court having probate jurisdiction in the county
8 in which the marriage license is applied for, a petition under oath, setting forth the
9 grounds of objection to the marriage, and asking for an order requiring the parties
10 making the application to show cause why the marriage license should not be
11 refused. Whereupon, the court, if satisfied that the grounds of objection are prima
12 facie valid, shall issue an order to show cause as aforesaid, returnable as the court
13 directs, but not more than 14 days after the date of the order, which shall be served
14 forthwith upon the applicants for the marriage license residing in the state, and upon
15 the clerk before whom the application has been made, and shall operate as a stay
16 upon the issuance of the marriage license until further ordered; if either or both of
17 the applicants are nonresidents of the state the order shall be served immediately
18 upon the nonresident by publication of a class 1 notice, under ch. 985, in the county
19 in which the application is pending, and by mailing a copy thereof to the nonresident
20 at the address contained in the application.

21 **SECTION 4.** 765.30 (2) (a) of the statutes is amended to read:

22 765.30 (2) (a) *Penalty for false statement.* Any person who in any affidavit or
23 statement made under s. ~~765.02 (2),~~ 765.09 or 765.11, willfully and falsely swears,
24 or who procures another to swear falsely in regard to any material fact relating to
25 the competency of either or both of the parties applying for a marriage license, ~~or as~~

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1 ~~to the ages of such parties, if minors, or who falsely pretends to be the parent or~~
2 ~~guardian having authority to give consent to the marriage of such minor.~~

3 **SECTION 5.** 767.313 (1) (c) of the statutes is amended to read:

4 767.313 (1) (c) A party was ~~16 or 17~~ years of age and did not have the consent
5 of his or her parent or guardian or judicial approval, or a party was under 16 18 years
6 of age. Suit may be brought by the underaged party or a parent or guardian at any
7 time prior to the party's attaining the age of 18 years, but a parent or guardian must
8 bring suit within one year of obtaining knowledge of the marriage.

9 (END)