



2023 South Dakota Legislature

House Bill 1092

Introduced by: **Representative Duba**

1 **An Act to revise the definition of marriage.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1. That § 25-1-1 be AMENDED:**

4 **25-1-1.** Marriage is a ~~personal relation, between a man and a woman, arising out~~
 5 ~~of a civil contract~~ between two persons to which the consent of parties capable of making
 6 it is necessary. Consent alone does not constitute a marriage~~;~~ ~~it must be followed by a~~
 7 ~~solemnization.~~ For a marriage to be valid, it must be solemnized by a person authorized to
 8 solemnize marriages under § 25-1-30.

9 **Section 2. That § 25-1-38 be AMENDED:**

10 **25-1-38.** Any marriage contracted outside the jurisdiction of this state~~, except a~~
 11 ~~marriage contracted between two persons of the same gender, which~~ that is valid by the
 12 laws of the jurisdiction in which such marriage was contracted~~, is valid in this state.~~