



2024 South Dakota Legislature

House Bill 1154

Introduced by: **Representative Wittman**

1 **An Act to establish the minimum age for marriage.**

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

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

4 **25-1-9.** Any unmarried applicant for a marriage license who is eighteen years old
 5 or older, and who is not otherwise disqualified, is capable of consenting to and
 6 consummating a marriage. ~~If either applicant for a marriage license is between the age of~~
 7 ~~sixteen and eighteen, that applicant shall submit to the register of deeds a notarized~~
 8 ~~statement of consent to marry from one parent or legal guardian of the applicant.~~

9 **Section 2. That § 25-1-33 be AMENDED:**

10 **25-1-33.** A person ~~who is guilty of a Class 1 misdemeanor if the person solemnizes~~
 11 ~~any marriage where either of the parties is known to him to be knowing that:~~

12 (1) Either party is under the age of legal consent and without the consent of his or her
 13 parents or guardian or persons having charge of him or her, or where either of the
 14 parties is known to him to be;

15 (2) Either party is of unsound mind, or any marriage to which, within his knowledge,
 16 any; or

17 (3) Any other legal impediment exists, is guilty of a Class 1 misdemeanor.

18 **Section 3. That § 25-1-13 be REPEALED:**

19 ~~If either party is a minor, no marriage license shall be granted unless the written~~
 20 ~~consent of the parent or guardian, duly acknowledged by the parent or guardian, or proved~~
 21 ~~to be genuine, is filed in the office of the county register of deeds prior to issuing the~~
 22 ~~license, and a memorandum of the facts shall be entered in the marriage record book with~~
 23 ~~the other records of the marriage license.~~