

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3307

By: Fugate

AS INTRODUCED

An Act relating to marriage; enacting the Child Protection Act of 2024; amending 43 O.S. 2021, Section 3, which relates to marriage; modifying exception; providing for noncodification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Child Protection Act of 2024".

SECTION 2. AMENDATORY 43 O.S. 2021, Section 3, is amended to read as follows:

Section 3. A. Any unmarried person who is at least eighteen (18) years of age and not otherwise disqualified is capable of contracting and consenting to marriage with a person of the opposite sex.

1 B. 1. ~~Except as otherwise provided by this subsection, no~~ No
2 person under the age of eighteen (18) years shall enter into the
3 marriage relation, nor shall any license issue therefor, except:

4 a. ~~upon the consent and authority expressly given by the~~
5 ~~parent or guardian of such underage applicant in the~~
6 ~~presence of the authority issuing such license,~~

7 b. ~~upon the written consent of the parent or guardian of~~
8 ~~such underage applicant executed and acknowledged in~~
9 ~~person before a judge of the district court or the~~
10 ~~court clerk of any county within the State of~~
11 ~~Oklahoma,~~

12 c. ~~if the parent or guardian resides outside of the State~~
13 ~~of Oklahoma, upon the written consent of the parent or~~
14 ~~guardian executed before a judge or clerk of a court~~
15 ~~of record. The executed foreign consent shall be duly~~
16 ~~authenticated in the same manner as proof of documents~~
17 ~~from foreign jurisdictions,~~

18 d. ~~if the certificate of a duly licensed medical doctor~~
19 ~~or osteopath, acknowledged in the manner provided by~~
20 ~~law for the acknowledgment of deeds, and stating that~~
21 ~~such parent or guardian is unable by reason of health~~
22 ~~or incapacity to be present in person, is presented to~~
23 ~~such licensing authority, upon the written consent of~~

1 ~~the parent or guardian, acknowledged in the same~~
2 ~~manner as the accompanying medical certificate,~~
3 e. ~~if the parent or guardian is on active duty with the~~
4 ~~Armed Forces of the United States, upon the written~~
5 ~~permission of the parent or guardian, acknowledged in~~
6 ~~the manner provided by law for acknowledgment of deeds~~
7 ~~by military personnel authorized to administer oaths.~~
8 ~~Such permission shall be presented to the licensing~~
9 ~~authority, accompanied by a certificate executed by a~~
10 ~~commissioned officer in command of the applicant, to~~
11 ~~the effect that the parent or guardian is on active~~
12 ~~duty in the Armed Forces of the United States, or~~
13 f. ~~upon affidavit of three (3) reputable persons stating~~
14 ~~that both parents of the minor are deceased, or~~
15 ~~mentally incompetent, or their whereabouts are unknown~~
16 ~~to the minor, and that no guardian has theretofore~~
17 ~~been appointed for the minor. The judge of the~~
18 ~~district court issuing the license may in his or her~~
19 ~~discretion consent to the marriage in the same manner~~
20 ~~as in all cases in which consent may be given by a~~
21 ~~parent or guardian~~

22 if a court has conferred upon the minor the rights of majority
23 pursuant to Section 91 et seq. of Title 10 of the Oklahoma Statutes.
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1 2. Every person under the age of sixteen (16) years is
2 expressly forbidden and prohibited from entering into the marriage
3 relation except when authorized by the court:

- 4 a. in settlement of a suit for seduction or paternity, or
- 5 b. if the unmarried female is pregnant, or has given
6 birth to an illegitimate child and at least one parent
7 of each minor, or the guardian or custodian of such
8 child, is present before the court and has an
9 opportunity to present evidence in the event such
10 parent, guardian, or custodian objects to the issuance
11 of a marriage license. If they are not present the
12 parent, guardian, or custodian may be given notice of
13 the hearing at the discretion of the court.

14 3. A parent or a guardian of any child under the age of
15 eighteen (18) years who is in the custody of the Department of Human
16 Services or the Department of Juvenile Justice shall not be eligible
17 to consent to the marriage of such minor child as required by the
18 provisions of this subsection.

19 4. Any certificate or written permission required by this
20 subsection shall be retained by the official issuing the marriage
21 license.

22 C. No marriage may be authorized when such marriage would be
23 incestuous under this chapter.

1 SECTION 3. This act shall become effective November 1, 2024.

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