

2025 South Dakota Legislature

Senate Bill 199**AMENDMENT 199A
FOR THE INTRODUCED BILL**

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

1 **An Act to ~~support the betterment of~~ revise provisions related to the marriage of**
2 **minors in South Dakota.**

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

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

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

10 **Section 2. That § 25-1-13 be AMENDED:**

11 **25-1-13.** ~~If either party is a minor, no marriage license shall be granted unless~~
12 ~~the written consent of the parent or guardian, duly acknowledged by the parent or~~
13 ~~guardian, or proved to be genuine, Notwithstanding § 25-1-9, a marriage license may be~~
14 ~~granted to an applicant between the age of sixteen and eighteen if:~~

15 ~~(1) The other party to the marriage is not more than three years older than the~~
16 ~~applicant and not younger than sixteen years;~~

17 ~~(2) A notarized statement of consent to marry from one parent or legal guardian of~~
18 ~~the applicant is filed in the office of the county register of deeds prior to issuing~~
19 ~~the license, and a memorandum of the facts shall be entered in the marriage record~~
20 ~~book with the other records of the marriage license; and~~

21 ~~(3) Written authorization from a court exercising juvenile jurisdiction in the county~~
22 ~~where either party to the marriage resides is filed in the office of the county register~~
23 ~~of deeds prior to issuing the license.~~

1 Before issuing written authorization for a minor applicant to marry, the court shall
 2 determine that the minor is entering into the marriage voluntarily and the marriage is in
 3 the best interest of the minor under the circumstances. The court may require both parties
 4 to the marriage to complete premarital counseling prior to the issuance of the court's
 5 written authorization.

6 **Section 3. That § 25-1-33 be AMENDED:**

7 **25-1-33.** ~~A person who is guilty of a Class 1 misdemeanor if the person solemnizes~~
 8 ~~any marriage where either of the parties is known to him to be knowing that:~~
 9 ~~(1) Either party is under the age of legal consent and without the consent of his or her~~
 10 ~~parents or guardian or persons having charge of him or her, or where either of the~~
 11 ~~parties is known to him to be eighteen and the requirements set forth in § 25-1-~~
 12 ~~13 have not been met;~~
 13 ~~(2) Either party is of unsound mind, or any marriage to which, within his knowledge,~~
 14 ~~any; or~~
 15 ~~(3) Any other legal impediment exists, is guilty of a Class 1 misdemeanor.~~

16 **Section 4. That § 25-3-4 be AMENDED:**

17 **25-3-4.** ~~A marriage may be annulled by bringing an action in the circuit court to~~
 18 ~~obtain a decree of nullity if the party in on whose behalf it the decree is sought to have~~
 19 ~~the marriage annulled was under the age of legal consent eighteen at the time of the~~
 20 ~~marriage; and such marriage was contracted without the consent of his or her parents or~~
 21 ~~guardian or person having charge of him or her the requirements set forth in § 25-1-13~~
 22 ~~were not met, unless, after attaining the age of consent, such eighteen, the party, for any~~
 23 ~~time, freely cohabitated with the other party to the marriage as husband or wife.~~

24 ~~An action to obtain a decree of nullity of marriage for causes mentioned in this~~
 25 ~~section must be commenced by the:~~

26 ~~(1) The party to the marriage who was married under the age of legal consent~~
 27 ~~eighteen, within four years after arriving at the party attains the age of consent,~~
 28 ~~or by a eighteen; or~~
 29 ~~(2) A parent, guardian, or other person having charge of such nonaged male or female~~
 30 ~~or legal guardian of the party to the marriage who was married under the age of~~
 31 ~~eighteen, at any time before such married minor has arrived at the party attains~~
 32 ~~the age of legal consent eighteen.~~