



## 2026 South Dakota Legislature

**Senate Bill 159**

SENATE ENGROSSED

Introduced by: **Senator Pischke**

1 **An Act to revise requirements pertaining to 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. Except  
 9 as provided in § 25-1-13, no marriage may be contracted in this state unless both  
 10 individuals applying for the marriage license have attained the age of eighteen at the time  
 11 the marriage license is issued.

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

13 **25-1-13.** If either party is a minor, no marriage license shall be granted unless  
 14 the written consent of the parent or guardian, duly acknowledged by the parent or  
 15 guardian, or proved to be genuine, is filed in the office of the county register of deeds  
 16 prior to issuing the license, and a memorandum of the facts shall be entered in the  
 17 marriage record book with the other records of the marriage license. Except as provided in  
 18 this section, a marriage license may be issued to two individuals, one of whom is a minor  
 19 or both of whom are minors, provided that the individuals applying for the marriage license  
 20 are at least sixteen years old and have obtained:

21 (1) A circuit court order following a determination by the court that the marriage is  
 22 voluntary and in the best interest of the minor applicant, or minor applicants, as  
 23 applicable, pursuant to section 3 of this Act, a certified copy of which must be  
 24 submitted to the register of deeds;

- 1        (2) If only one applicant is a minor, written consent, notarized and filed in the office of  
 2        the county register of deeds, from:  
 3        (a) Two parents of the minor; or  
 4        (b) The legal guardian of the minor; or  
 5        (3) If both applicants are minors, written consent, notarized and filed in the office of  
 6        the county register of deeds, from:  
 7        (a) Two parents of each minor;  
 8        (b) The legal guardian of each minor; or  
 9        (c) Two parents of one minor and the legal guardian of the other minor.  
 10       A marriage license may not be issued under this section if the age difference  
 11       between the applicants is greater than four years.

12       **Section 3. That a NEW SECTION be added to chapter 25-1:**

- 13       If a court order is sought for the marriage of a minor pursuant to § 25-1-13, the  
 14       court must conduct an in-person hearing with both applicants for the marriage license  
 15       present and meet privately with each applicant.  
 16       The court shall consider and make written findings regarding:  
 17       (1) The safety, maturity, and long-term welfare of the minor applicant, or minor  
 18       applicants, as applicable; and  
 19       (2) Whether the marriage is entered into freely, without coercion, fraud, or undue  
 20       influence.  
 21       A marriage license may not be issued until thirty days after judicial approval is granted.

22       **Section 4. That § 25-1-33 be AMENDED:**

- 23       **25-1-33.** ~~A person who is guilty of a Class 1 misdemeanor if the person solemnizes~~  
 24       ~~any marriage where either of the parties is known to him to be under the age of legal~~  
 25       ~~consent and without the consent of his or her parents or guardian or persons having~~  
 26       ~~charge of him or her, or where either of the parties is known to him to be knowing that:~~  
 27       (1) Either party who is under the age of eighteen has not met the requirements  
 28       provided under § 25-1-13;  
 29       (2) Either party is of unsound mind, or any marriage to which, within his knowledge,  
 30       any; or  
 31       (3) Any other legal impediment exists, is guilty of a Class 1 misdemeanor.