



2026 South Dakota Legislature
Senate Bill 159
ENROLLED

AN ACT

ENTITLED An Act to revise requirements pertaining to the minimum age for marriage.

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

Section 1. That § 25-1-9 be AMENDED:

25-1-9. Except as provided in § 25-1-13, no marriage may be contracted in this state unless both individuals applying for the marriage license have attained the age of eighteen at the time the marriage license is issued.

Section 2. That § 25-1-13 be AMENDED:

25-1-13. Except as provided in this section, a marriage license may be issued to two individuals, one of whom is a minor or both of whom are minors, provided that the individuals applying for the marriage license are at least sixteen years old and have obtained:

- (1) A circuit court order following a determination by the court that the marriage is voluntary and in the best interest of the minor applicant, or minor applicants, as applicable, pursuant to section 3 of this Act, a certified copy of which must be submitted to the register of deeds;
- (2) If only one applicant is a minor, written consent, notarized and submitted to the office of the county register of deeds, from:
 - (a) Two parents of the minor; or
 - (b) The legal guardian of the minor; or
- (3) If both applicants are minors, written consent, notarized and submitted to the office of the county register of deeds, from:
 - (a) Two parents of each minor;
 - (b) The legal guardian of each minor; or
 - (c) Two parents of one minor and the legal guardian of the other minor.

A marriage license may not be issued under this section if the age difference between the applicants is greater than four years.

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

If a court order is sought for the marriage of a minor pursuant to § 25-1-13, the court must conduct an in-person hearing with both applicants for the marriage license present and meet privately with each applicant.

The court shall consider and make written findings regarding:

- (1) The safety, maturity, and long-term welfare of the minor applicant, or minor applicants, as applicable; and
- (2) Whether the marriage is entered into freely, without coercion, fraud, or undue influence.

A marriage license may not be issued until thirty days after judicial approval is granted.

Section 4. That § 25-1-33 be AMENDED:

25-1-33. A person is guilty of a Class 1 misdemeanor if the person solemnizes any marriage knowing that:

- (1) Either party who is under the age of eighteen has not met the requirements provided under § 25-1-13;
- (2) Either party is of unsound mind; or
- (3) Any other legal impediment exists.

An Act to revise requirements pertaining to the minimum age for marriage.

I certify that the attached Act originated in the:

Received at this Executive Office this ____ day of _____,

Senate as Bill No. 159

2026 at _____ M.

Secretary of the Senate

By _____
for the Governor

President of the Senate

The attached Act is hereby approved this _____ day of _____, A.D., 2026

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2026
at _____ o'clock __ M.

Chief Clerk of the House

Secretary of State

Senate Bill No. 159
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State