

Senate Judiciary Committee

Pete Mulvey 271-4063

HB 433-FN, making 17 the age of consent for marriage if either party is active duty military and removing language regarding age waivers for marriage registration records, since age waivers are no longer issued in New Hampshire.

Hearing Date: May 6, 2025

Time Opened: 1:33 p.m.

Time Closed: 2:26 p.m.

Members of the Committee Present: Senators Gannon, Abbas, Altschiller and Reardon and Avard.

Members of the Committee Absent : Senator McConkey

Bill Analysis: This bill reduces the marriage age of consent in the male and in the female to 17 where either party is on active duty in the military and other criteria are met. This bill also removes language regarding age waivers for marriage registration records, since age waivers are no longer issued in New Hampshire.

Sponsors:

Rep. Drye

Rep. Bean

Rep. Rollins

Rep. Roy

Rep. Aures

Rep. DeSimone

Who supports the bill: Nine individuals supported HB 433-FN. Contact peter.mulvey@gc.nh.gov for further details.

Who opposes the bill: 239 individuals opposed HB 433-FN. Contact peter.mulvey@gc.nh.gov for further details.

Who is neutral on the bill: Two individuals were neutral toward HB 433-FN. Contact peter.mulvey@gc.nh.gov for further details.

Summary of testimony:

Representative Margaret Drye

Sullivan – District 7

- Rep. Drye introduced HB 433 and maintained that the bill would not repeal the current age of consent for marriage.
- HB 433 would simply provide an exception for individuals serving under active-duty orders with the military, which individuals may enlist at 17 years of age.

- Rep. Drye said that in the absence of marriage, active-duty personnel could not share military benefits, namely medical care and insurance.
- Spouses of active-duty personnel may accompany their partner on deployments and reside on-base.
- Rep. Drye noted that in certain instances, individuals may be considered adults at 17, albeit more typically at age 18, and when they become active-duty military personnel and therefore no longer a dependent.
- Rep. Drye added that 16 was the age of consent in the State of New Hampshire, which was disconnected from the age of 18 for marriage.
- In 2019, prior to the raise of marriage being raised, only five people under the age of 18 got married. Meanwhile, In 2020, no one under the age of 18 got married in the state. Rep. Drye attested that few would take advantage of the law.
- It is very possible for pregnancies to occur for couples in their late teens, and the absence of marriage as an option took away the opportunity to share benefits.
- Sen. Gannon asked Rep. Drye if she believed whether minors ought to be permitted to pursue sex change operations and hormone therapy given her testimony which cited instances of 17-year-olds being considered adults.
 - Rep. Drye emphasized that parental consent was required for her bill.
- Rep. Drye maintained that adult situations and circumstances affected people who the law did not find adults, which deserved attention.
- For the bill to apply, an individual must be a resident of New Hampshire, an active-duty member of the military, and if they were not active duty, they required parental consent.
- Rep. Drye attested that the intent of the bill was not to provide an option for seventeen-year-olds to marry those even younger. If that were a concern, Rep. Drye recommended the committee to amend the law to reflect Alaska's statute, in which judicial consent was a requisite, in addition to an age limit.
- The National Guard and Department of Military Veteran Affairs had no issue with the legislation according to Rep. Drye.
- Sen. Altschiller asked if the bill would enable a 17-year-old boy to be married off to a 37-year-old woman and asked if a cycle of abuse could perpetuate given that their guardian is their spouse.
 - Rep. Drye reiterated that the committee ought to amend the bill if that is a concern and recommended including judicial consent.
- Sen. Altschiller said adults entered legal contracts and could extricate themselves. Sen. Altschiller wondered how that would be achieved at 17.
 - Rep. Drye said that emancipated minors may extricate or achieve contracts.
- Sen. Altschiller asked where marriage implied or resulted in emancipation in the bill. Sen. Altschiller maintained that guardianship is transferred to the spouse.
 - Rep. Drye clarified that upon marriage, an individual is emancipated if they are under the age of 18.
 - Rep. Drye reiterated that parental and judicial consent would be guardrails against nefarious possibilities.
- Sen. Gannon asked if the idea was for spouses to be eligible for benefits or care if their partner served
 - Rep. Drye said that was true.
- Sen. Altschiller asked if service members could assign their death benefits to anyone.
 - Rep. Drye said that was true.
- Sen. Altschiller asked if marriage was not a requisite to assign death benefits.

- Rep. Drye said that was true, and reiterated that other benefits, namely health care, were the intent, not necessarily benefits given to families upon a soldier's death.

Representative Alicia Gregg

Hillsborough – District 7

- Rep. Gregg participated in the preceding session's efforts to raise the age for marriage.
- If a bill was just passed, and an amendment is immediately provided, that typically meant an issue arose. Rep. Gregg maintained that was not the case regarding this concept.
- Individuals cannot be deployed at 17. Rep. Gregg believed that spousal status was not a requisite for the assignment of benefits and said that residing off-base was no problem.
- There was no need to move backwards by implementing HB 433.
- Rep. Gregg suggested that the bill be considered inexpedient to legislate.

Kristen Martino

New Hampshire Department of State– Division of Vital Records

- Ms. Martino spoke neutrally on HB 433.
- The Division of Vital records would be responsible for implementation if the bill is passed.
- The Department was not consulted about a fiscal impact. If passed, there would be an impact, which Ms. Martino said was roughly a \$25,000 correction to marriage software and worksheets.
- Forms would have to be redrafted and resent to clerk's offices.
- The 60-day effective date was not enough time for the Department to reform and redistribute what it needed to. Ms. Martino suggested that a 120-day effective date upon signage would be more appropriate.
- Active-duty military was not defined in statute and Ms. Martino recommended including a definition for such.
- The written permission requisite in the bill ought to be a notarized affidavit, as the Vital Records Division needed verifiable records.
- Ms. Martino provided an amendment to keep the bill's language concise while remaining consistent with what the prime sponsor provided.

Barb Patch

All Girls Allowed

- Ms. Patch spoke in support of HB 433.
- Nearly 300,000 children were married between 2000 and 2018.
- Ms. Patch maintained that child marriage and exploitation are detestable.
- Ms. Patch added that the State of New Hampshire is 50th out of 51st for child marriage per capita.
- The exception provided in HB 433 was common sense and agreeable according to Ms. Patch.
- Those serving as active-duty members of the services ought to have the right to marry.
- Ms. Patch maintained that the conditions requisite to enlistment were consistent with the ability to choose to get married.
- Sen. Gannon asked Ms. Patch how she felt if a 17-year-old was not the active-duty enlisted party in a hypothetical marriage under the bill.

- Ms. Patch said that amended language providing permissible age ranges, and further verifiable consent either by the guardians or a judge would be appropriate in such a situation.
- Ms. Patch clarified that prior to the hearing, she was under the impression that the bill only lowered the age for consent for the active-duty individual, as opposed to anybody should they be engaged to an active-duty service member.
- Sen. Avard asked Ms. Patch if she would be supportive of a marriage where both individuals were 17 and one served under active-duty orders.
 - Ms. Patch said she would not oppose such.
- Sen. Altschiller asked for clarity that Ms. Patch previously did not recognize that the age of consent would be lowered for either party so long as one of the two were active-duty.
 - Ms. Patch said that was correct and her previous understanding.
- Sen. Altschiller asked if her organization would support the bill if a 17-year-old could be married off to a 35-year-old service member.
 - Ms. Patch reiterated that she would support the bill under the condition that language provided appropriate age limitations.
- Sen. Altschiller asked Ms. Patch if she was saying she supported a 35-year-old marrying a 17-year-old.
 - Ms. Patch emphasized that she had maintained that an age limit would be appropriate.

Representative Melissa Litchfield

Rockingham – District 32

- Representative Litchfield shared that her mother-in-law and father-in-law fell in love at 16 and 18 respectively.
- At 17, her mother-in-law became pregnant, and her father-in-law was drafted.
- The couple went on to be married for 50 years, and had two children, and six grandchildren.
- Rep. Litchfield shared her gratitude for her in-laws to be married so that they could start their family, which in turn, became hers.

Representative Cyril Aures

Merrimack – District 13

- Rep. Aures spoke in support of HB 433.
- Rep. Aures had joined the army at the age of 17.
- Individuals seeking marriage at a young age were typically mature and responsible.
- Rep. Aures shared that he and his wife have shared 48 years together.
- Rep. Aures referred to Ms. Patch's testimony and did not believe that HB 433 would become a trafficking issue and emphasized that it was indeed extreme for a 35-year-old to marry a 17-year-old.
- Sen. Gannon asked Rep. Aures for his concept of an appropriate age window for the bill.
 - Rep. Aures did not see the need for an age limit and believed that parental consent was more appropriate.

Dre Fields

Unchained at Last

- Mr. Fields urged the committee to vote against HB 433.
- HB 433 would overturn the courageous progress made last year.
- Only one US state – Alaska, offered a military exception to the age of marriage which had not been updated since 1975.
- HB 433 may enable and perpetuate human rights abuse.
- HB 433 was not an exception but a loophole.
- Marriages involving children as spouses were associated with domestic violence which intensified for military families.
- Divorce from an actively deployed service member is cumbersome; deployed service members can delay proceedings.
- Military benefits may be extended to children of the service member regardless of marital status.
- Mr. Fields maintained that teenagers should not be compelled, pressured or coerced to marry for access to basic needs.
- Sen. Altschiller asked Mr. Fields to elaborate on his comment that military members may delay court actions.
 - Mr. Fields clarified that individuals forced into marriages with adult service members are linked to higher rates of domestic violence. Frequent moves also presented isolation from support systems.
- Sen. Altschiller reiterated that in his testimony, Mr. Fields stated that service members could delay proceedings under the Civil Relief Act.
 - Mr. Fields said that was correct.
- Sen. Avard asked if the delay was because the individual was overseas.
 - Mr. Fields said that was correct.
 - Mr. Fields added that some states allowed proxy marriage.
- Sen. Avard asked Mr. Fields to describe proxy marriage.
 - Mr. Fields said a service member out of the country could appoint a proxy to take their place amid the marriage ceremony.
- Sen. Avard asked if he could share statistics with the committee surrounding abuse between married couples from the State of Alaska.
 - Mr. Fields said he could get back with some numbers for the committee.

Representative Lori Korzen

Coos – District 7

- Rep. Korzen supported HB 433.
- HB 433 protected the youth, and held sacred the sacrifices of active duty service members
- The bill had carefully crafted exceptions.
- Rep. Korzen's father married her mother when he was 17, and her mother was 18.
- Rep. Korzen's father went to boot camp, and then to Vietnam, to be caught in the explosion of the USS Forrestal.
- Rep. Korzen said that while her mother was unaware of her father's status, she took comfort in having his name.
- Rep. Korzen's parents had fortunately celebrated their 58th anniversary recently.

Representative Peter Petrigno

Hillsborough – District 43

- Rep. Petrigno opposed the bill.
- There should be no exception to the age of marriage.
- No one should marry underage individuals.
- Rep. Petrigno urged the committee to consider the bill inexpedient to legislate.
- Sen. Altschiller asked if Rep. Petrigno recalled the State Department considering marriages before the age of 18 a human rights abuse.
 - Mr. Petrigno did recall, agreed, and found the concept completely inappropriate.
- Sen. Altschiller asked if he was aware that New Hampshire allowed 206 child marriages between 2000 and 2018.
 - Mr. Petrigno was not aware and found the figure to be too many.

Representative Cassandra Levesque

Strafford – District 4

- Rep. Levesque opposed the bill.
- Minors are not equipped to handle marriage.
- Rep. Levesque did not believe the exception was appropriate.
- The military was an isolating place for spouses and children.
- Many spouses were often incapable of dealing with the PTSD and injuries of their partners.
- Sen. Altschiller suggested that ten states have banned child marriage without exception and asked if any others have been added to the list.
 - Rep. Levesque said nationally there were efforts to ban the practice.
- Sen. Altschiller asked if Rep. Levesque would believe that the average age of marriage for women is 26.8 and 29.3 for men, and that the median age is 28.6 for women and 30 for men.
- Sen. Altschiller asked if HB 433 portended a movement to lower the average age.
 - Rep. Levesque said that there wasn't a push to marry younger.

Shelly Hoik

Major (ret) – United States Air Force

- Ms. Hoik opposed the bill.
- Ms. Hoik served as an officer in the United States Air Force.
- Very few testified amid the house hearing aside from house members themselves with hypotheticals according to Ms. Hoik.
- Children were automatically given the death benefits of a service member should they die.
- No service allowed entry to combat before the age of 18.
- Soldiers assigned their beneficiaries upon their first day of active duty according to Ms. Hoik.
- The United States Department of State considers child marriage a human rights abuse.
- Sen. Avard asked if HB 433 was a loophole to exploit children for those in the military.
 - Ms. Hoik said that was correct.

Representative Mary Georges

Hillsborough – District 23

- Rep. Georges opposed HB 433.
- Rep. Georges had seen many women sacrifice their education in marrying so young.
- Individuals came last year to share personal stories of their own marriages at the age of 17 with parental consent, which were particularly moving to Rep. Georges.
- Rep. Georges said that parents and communities needed to better support children to prevent the perpetuation of such abuses.
- Younger adults were not mature or developed enough to contemplate marriage.

PM

Date Hearing Report completed: May 9, 2025