

HB 433-FN - AS INTRODUCED

2025 SESSION

25-0439

11/09

HOUSE BILL

433-FN

AN ACT

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.

SPONSORS:

Rep. Drye, Sull. 7; Rep. Bean, Belk. 6; Rep. Rollins, Sull. 3; Rep. Roy, Rock. 31; Rep. Aures, Merr. 13; Rep. DeSimone, Rock. 18

COMMITTEE:

Children and Family Law

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.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears ~~[in brackets and struckthrough.]~~

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT 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.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Age of Consent to Marry; Active Duty Military. Amend RSA 457:5 to read as follows:

2 457:5 Of Consent.

3 ***I.*** The age of consent shall be in the male and in the female, 18 years.

4 ***II. The age of consent is 17 where:***

5 ***(a) One person in a couple intending to marry is, at the time of application for a***
6 ***marriage license, a member of the armed forces of the United States while on active duty;***
7 ***and***

8 ***(b) The other person is 17 years of age or older; and***

9 ***(c) At least one person is a New Hampshire resident.***

10 ***III. If the other person is 17 and not also a member of the armed forces of the United***
11 ***States while on active duty, they must have written permission to marry from a parent or***
12 ***legal guardian.***

13 ***IV. Nothing in paragraph II of this section shall waive or change any requirements***
14 ***for obtaining a marriage license under RSA 5-C:42.***

15 2 Marriageable Age; Exception. Amend RSA 457:4 to read as follows:

16 457:4 Marriageable. No person below the age of 18 years, ***except as otherwise provided in***
17 ***RSA 457:5***, shall be capable of contracting a valid marriage, and all marriages contracted by such
18 persons shall be null and void.

19 3 Marriage Registration Records; Age Waivers Removed. Amend RSA 5-C:42, VIII to read as
20 follows:

21 VIII. ~~[When both applicants for a marriage license are nonresidents of New Hampshire,]~~
22 Both applicants shall be at least 18 years of age ~~[and,]~~ in accordance with RSA ~~[457]~~ ***457:4, except***
23 ***as otherwise provided in 457:5.*** ~~[there shall be no provision for an age waiver if both applicants~~
24 ~~and his or her parents are nonresidents of New Hampshire.]~~

25 4 Effective Date. This act shall take effect 60 days after its passage.

**HB 433-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT 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.

FISCAL IMPACT:

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund</i>	None			
Expenditures*	Indeterminable			
<i>Funding Source</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

Estimated Political Subdivision Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	Indeterminable			
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	Indeterminable			

METHODOLOGY:

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association