

2019 Regular Session

SENATE BILL NO. 172

BY SENATOR COLOMB

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MARRIAGE. Mandates the minimum age for marriage shall be 18 years of age. (8/1/19)

1 AN ACT

2 To amend and reenact Civil Code Arts. 87, 369, and 2318 and Children's Code Arts. 502(2)  
3 and 1113(A), and to repeal Civil Code Arts. 367 and 2333, Children's Code Arts.  
4 1543 through 1550, and R.S. 9:225(A)(2), relative to marriage; to provide a  
5 minimum age for marriage; to provide definitions; to repeal certain provisions  
6 relative to emancipation by marriage; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Civil Code Arts. 87, 369, and 2318 are hereby amended and reenacted to  
9 read as follows:

10 Art. 87. Contract of marriage; requirements

11 The requirements for the contract of marriage are:

12 The absence of legal impediment.

13 A marriage ceremony.

14 The free consent of the parties to take each other as ~~husband and wife~~ spouse,  
15 expressed at the ceremony.

16 **Both parties are at least eighteen years of age.**

17 \* \* \*

1 Art. 369. Emancipation; when effective

2 Judicial emancipation is effective when the judgment is signed. ~~Emancipation~~  
3 ~~by marriage is effective upon marriage.~~ Limited emancipation by authentic act is  
4 effective when the act is executed.

5 \* \* \*

6 Art. 2318. Acts of a minor

7 The father and the mother are responsible for the damage occasioned by their  
8 minor child, who resides with them or who has been placed by them under the care  
9 of other persons, reserving to them recourse against those persons. However, the  
10 father and mother are not responsible for the damage occasioned by their minor child  
11 who has been emancipated ~~by marriage~~, by judgment of full emancipation, or by  
12 judgment of limited emancipation that expressly relieves the parents of liability for  
13 damages occasioned by their minor child.

14 The same responsibility attaches to the tutors of minors.

15 \* \* \*

16 Section 2. Children's Code Arts. 502(2) and 1113(A) are hereby amended and  
17 reenacted to read as follows:

18 Art. 502. Definitions

19 \* \* \*

20 (2) "Child" means a person under the age of eighteen years who has not been  
21 judicially emancipated ~~or emancipated by marriage~~ as provided by law.

22 \* \* \*

23 Art. 1113. Minor parents

24 A. Except as otherwise provided herein, if a parent executing a surrender in  
25 a private adoption is a minor, the parents or tutor of the minor must join in the  
26 surrender unless the minor parent has been judicially emancipated under Civil Code  
27 Article 385 ~~or emancipated by marriage under Civil Code Articles 379 through 384.~~

28 \* \* \*

29 Section 3. This Act shall become effective on August 1, 2019; if vetoed by the

1 governor and subsequently approved by the legislature, this Act shall become effective on  
2 August 1, 2019, or on the day following such approval by the legislature, whichever is later.

3 Section 4. Civil Code Arts. 367 and 2333 are hereby repealed.

4 Section 5. Children's Code Arts. 1543 through 1550 are hereby repealed.

5 Section 6. R.S. 9:225(A)(2) is hereby repealed.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Xavier I. Alexander.

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DIGEST

SB 172 Engrossed                      2019 Regular Session                      Colomb

Present law provides relative to marriage and requirements for the contract of marriage.

Present law provides relative to the requirement for the contract of marriage are:

- (1) The absence of a legal impediment.
- (2) A marriage ceremony.
- (3) The free consent of both parties.

Proposed law retains present law and adds the requirement that both individuals shall be at least 18 years of age.

Proposed law repeals provisions relative to emancipation of minors by marriage and judicial authorization for the marriage of minors.

Proposed law repeals procedures for securing the authorization of the juvenile court for the marriage of minors.

Effective August 1, 2019.

(Amends C.C. Arts. 87, 369, 2318, Ch. C. Arts. 502(2) and 1113(A); repeals C.C. Arts. 367 and 2333, Ch. C. Arts. 1543-1550, and R.S. 9:225(A)(2))