

ACT 74

H.B. NO. 1949-78

A Bill for an Act Relating to Marriage.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 572-1, Hawaii Revised Statutes, is amended to read:

"Sec. 572-1 Requisites of valid marriage contract. In order to make valid the marriage contract, it shall be necessary that:

- (1) The respective parties do not stand in relation to each other of ancestor and descendant of any degree whatsoever, brother and sister of the half as well as to the whole blood, uncle and niece, aunt and nephew, whether the relationship is legitimate or illegitimate;
- (2) Each of the parties at the time of contracting the marriage is at least sixteen years of age;
- (3) The man does not at the time have any lawful wife living and that the woman does not at the time have any lawful husband living;
- (4) Neither of the parties is impotent or physically incapable of entering into the marriage state;
- (5) Consent of neither party to the marriage has been obtained by force, duress, or fraud;
- (6) Neither of the parties is a person [affected with leprosy or] afflicted with any loathsome disease concealed from, and unknown to, the other party; and
- (7) It shall in no case be lawful for any [persons] person to marry in the State without a license for that purpose duly obtained from the agent appointed to grant marriage licenses;

provided that with the written approval of the family court of the circuit within which the minor resides, it shall be lawful for a person under the age of sixteen years, but in no event under the age of fifteen years, to marry, subject to section 572-2. The marriage ceremony may be performed any place in the State [.] provided that the man and the woman to be married and the marriage officiant are all physically present in Hawaii at the same place and time for the marriage ceremony."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of the statutes need not include the brackets, the bracketed material, or the underscoring.

SECTION 3. This Act shall take effect upon its approval.

(Approved May 16, 1978.)