

A Bill for an Act Relating to Annulment of a Marriage.

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

SECTION 1. Section 580-21, Hawaii Revised Statutes, is hereby amended to read as follows:

“Sec. 580-21 Grounds for annulment. The family court may, by a decree of nullity, declare void the marriage contract for any of the following causes, existing at the time of the marriage:

- (1) That the parties stood in relation to each other of ancestor and descendant of any degree whatsoever, brother and sister of the half as well as the whole blood, uncle and niece, aunt and nephew, whether the relationship is legitimate or illegitimate;
- (2) That the parties, or either of them, had not attained the legal age of marriage;
- (3) That the husband had an undivorced wife living, or the wife had an undivorced husband living;
- (4) That one of the parties lacked the mental capacity to consent to the marriage;
- (5) That one of the parties was impotent or physically incapable of entering into the marriage state;
- (6) That consent to the marriage of the party applying for annulment was obtained by force, duress, or fraud, and there has been no subsequent cohabitation;
- (7) That one of the parties was a sufferer or afflicted with any loathsome disease and the fact was concealed from, and unknown to, the party applying for annulment.”

SECTION 2. Section 580-26, Hawaii Revised Statutes, is hereby amended to read as follows:

“Sec. 580-26 Lack of mental capacity. The marriage of a person who lacked the mental capacity to consent to the marriage may be annulled on the application of either party, or on the application of a guardian of the party who lacked such capacity; but in such case, no sentence of nullity shall be pronounced if it appears that the

parties freely cohabited as husband and wife after the party who lacked such mental capacity attained the mental capacity necessary to consent to marriage.”

SECTION 3. Section 580-27, Hawaii Revised Statutes, is hereby amended to read as follows:

“**Sec. 580-27 Legitimacy in case of annulment.** Upon the annulment of a marriage on account of nonage, lack of mental capacity of either party to consent to the marriage, or of a marriage that is prohibited on account of consanguinity between the parties, or for any other ground specified in section 580-21, the issue of the marriage shall be legitimate.”

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored.*

SECTION 5. This Act shall take effect upon its approval.

(Approved April 25, 1980.)

*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.