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HOUSE BILL 3012

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State of Washington

65th Legislature

2018 Regular Session

By Representatives Stanford, Slatter, Wylie, Reeves, Kloba, Ryu, Gregerson, Dolan, Peterson, Hudgins, Appleton, Fitzgibbon, Ortiz-Self, Sells, and Santos

Read first time 03/07/18. Referred to Committee on Judiciary.

1 AN ACT Relating to eliminating child marriage; amending RCW  
2 26.04.010, 26.04.130, and 26.04.210; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 26.04.010 and 2012 c 3 s 1 are each amended to read  
5 as follows:

6 (1) Marriage is a civil contract between two persons who have  
7 each attained the age of eighteen years, and who are otherwise  
8 capable.

9 (2) Every marriage entered into in which either person has not  
10 attained the age of ((seventeen)) eighteen years is void ((~~except~~  
11 ~~where this section has been waived by a superior court judge of the~~  
12 ~~county in which one of the parties resides on a showing of~~  
13 ~~necessity~~)).

14 (3) Where necessary to implement the rights and responsibilities  
15 of spouses under the law, gender specific terms such as husband and  
16 wife used in any statute, rule, or other law must be construed to be  
17 gender neutral and applicable to spouses of the same sex.

18 (4) No regularly licensed or ordained minister or any priest,  
19 imam, rabbi, or similar official of any religious organization is  
20 required to solemnize or recognize any marriage. A regularly licensed  
21 or ordained minister or priest, imam, rabbi, or similar official of

1 any religious organization shall be immune from any civil claim or  
2 cause of action based on a refusal to solemnize or recognize any  
3 marriage under this section. No state agency or local government may  
4 base a decision to penalize, withhold benefits from, or refuse to  
5 contract with any religious organization on the refusal of a person  
6 associated with such religious organization to solemnize or recognize  
7 a marriage under this section.

8 (5) No religious organization is required to provide  
9 accommodations, facilities, advantages, privileges, services, or  
10 goods related to the solemnization or celebration of a marriage.

11 (6) A religious organization shall be immune from any civil claim  
12 or cause of action, including a claim pursuant to chapter 49.60 RCW,  
13 based on its refusal to provide accommodations, facilities,  
14 advantages, privileges, services, or goods related to the  
15 solemnization or celebration of a marriage.

16 (7) For purposes of this section:

17 (a) "Recognize" means to provide religious-based services that:

18 (i) Are delivered by a religious organization, or by an  
19 individual who is managed, supervised, or directed by a religious  
20 organization; and

21 (ii) Are designed for married couples or couples engaged to marry  
22 and are directly related to solemnizing, celebrating, strengthening,  
23 or promoting a marriage, such as religious counseling programs,  
24 courses, retreats, and workshops; and

25 (b) "Religious organization" includes, but is not limited to,  
26 churches, mosques, synagogues, temples, nondenominational ministries,  
27 interdenominational and ecumenical organizations, mission  
28 organizations, faith-based social agencies, and other entities whose  
29 principal purpose is the study, practice, or advancement of religion.

30 **Sec. 2.** RCW 26.04.130 and Code 1881 s 2381 are each amended to  
31 read as follows:

32 When either party to a marriage shall be incapable of consenting  
33 thereto, for want of (~~legal age or~~) a sufficient understanding, or  
34 when the consent of either party shall be obtained by force or fraud,  
35 such marriage is voidable, but only at the suit of the party laboring  
36 under the disability, or upon whom the force or fraud is imposed.

37 **Sec. 3.** RCW 26.04.210 and 2003 c 53 s 166 are each amended to  
38 read as follows:

1 (1) The county auditor, before a marriage license is issued, upon  
2 the payment of a license fee as fixed in RCW 36.18.010 shall require  
3 each applicant therefor to make and file in the auditor's office upon  
4 blanks to be provided by the county for that purpose, an affidavit  
5 showing that if an applicant is afflicted with any contagious  
6 sexually transmitted disease, the condition is known to both  
7 applicants, and that the applicants are the age of eighteen years or  
8 over. (~~If the consent in writing is obtained of the father, mother,  
9 or legal guardian of the person for whom the license is required, the  
10 license may be granted in cases where the female has attained the age  
11 of seventeen years or the male has attained the age of seventeen  
12 years.~~) Such affidavit may be subscribed and sworn to before any  
13 person authorized to administer oaths.

14 (2) Anyone knowingly swearing falsely to any of the statements  
15 contained in the affidavits mentioned in this section is guilty of  
16 perjury under chapter 9A.72 RCW.

17 (3) The affidavit form shall be designed to require a statement  
18 that no contagious sexually transmitted disease is present or that  
19 the condition is known to both applicants, without requiring the  
20 applicants to state whether or not either or both of them are  
21 afflicted by such disease.

22 (4) Any person knowingly violating this section is guilty of a  
23 class C felony and shall be punished by a fine of not more than one  
24 thousand dollars, or by imprisonment in a state correctional facility  
25 for a period of not more than three years, or by both such fine and  
26 imprisonment.

27 NEW SECTION. **Sec. 4.** This act applies to any marriage entered  
28 into on or after the effective date of this section.

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