
SENATE BILL 5695

State of Washington

68th Legislature

2023 Regular Session

By Senators Stanford, Dhingra, Rolfes, Saldaña, and Shewmake

Read first time 02/03/23. Referred to Committee on Law & Justice.

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))~~ 18 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))~~ 18 years is void ~~((except where
11 this section has been waived by a superior court judge of the county
12 in which one of the parties resides on a showing of necessity))~~.

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

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

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

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

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

15 (7) For purposes of this section:

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

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

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

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

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

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

36 **Sec. 3.** RCW 26.04.210 and 2003 c 53 s 166 are each amended to
37 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)) 18
8 years or over. ((If the consent in writing is obtained of the father,
9 mother, or legal guardian of the person for whom the license is
10 required, the license may be granted in cases where the female has
11 attained the age of seventeen years or the male has attained the age
12 of seventeen years.)) Such affidavit may be subscribed and sworn to
13 before any 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)) \$1,000, or by imprisonment in a state correctional
25 facility for a period of not more than three years, or by both such
26 fine and 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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