COMMITTEE REPORT

May 1, 2019

**S. 196**

Introduced by Senators Shealy, Hutto, Jackson and Senn

S. Printed 5/1/19--H.

Read the first time January 31, 2019.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 196) to repeal Section 20‑1‑300 of the 1976 Code, relating to the issuance of a license to an unmarried female and male under eighteen years of age when the, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

PETER M. MCCOY, JR. for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Introduced on January 8, 2019**

**State Expenditure**

This bill repeals provisions allowing probate courts to issue marriage licenses to persons under the age of eighteen if the female is pregnant or has had a child with the putative father. Currently, marriage licenses can be issued to these parties when the following conditions are met: the pregnancy or birth has been established by the report or certificate of at least one duly-licensed physician, the two individuals agree to marry, and written consent for the female to marry is given by at least one of her parents, by a legal guardian, or by a local social service representative.

A 2014 study by the Pew Research Center, a nonpartisan American fact tank based in Washington, D.C, indicated the ratio of fifteen to seventeen year-olds married per 1,000 marriages in South Carolina is 3.1.

**Judicial Department**. While the probate courts are part of the unified judicial system, they are funded by the respective counties in which they are located. Marriage license fees consist of a local charge retained by the county and a twenty dollar charge that the county must remit to the State Treasurer for deposit into the state’s Domestic Violence Fund. As such, the enactment of the bill will have no expenditure impact on the general fund related to the department.

**State Revenue**

The repeal may also result in a minimal loss of funding for the state’s Domestic Violence Fund, as a twenty dollar portion of the marriage license fee is remitted to this fund.

**Local Revenue**

The repeal of this provision may result in a minimal revenue loss for the counties, as the counties are currently authorized to retain a portion of marriage license fees.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO REPEAL SECTION 20‑1‑300 OF THE 1976 CODE, RELATING TO THE ISSUANCE OF A LICENSE TO AN UNMARRIED FEMALE AND MALE UNDER EIGHTEEN YEARS OF AGE WHEN THE FEMALE IS PREGNANT OR HAS BORNE A CHILD.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 20‑1‑300 of the 1976 Code is repealed.

SECTION 2. This act takes effect upon approval by the Governor.

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