**South Carolina General Assembly**

126th Session, 2025-2026

**S. 25**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Hutto

Document Path: SMIN-0044MW25.docx

Prefiled in the Senate on December 11, 2024

Currently residing in the Senate Committee on **Judiciary**

Summary: Marriage

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/11/2024 Senate Prefiled

 12/11/2024 Senate Referred to Committee on **Judiciary**

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**VERSIONS OF THIS BILL**

[12/11/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/25_20241211.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 20‑1‑100, RELATING TO THE MINIMUM AGE FOR VALID MARRIAGE, SO AS TO PROVIDE THAT AN INDIVIDUAL YOUNGER THAN EIGHTEEN YEARS OF AGE IS NOT CAPABLE OF ENTERING INTO A VALIED MARRIAGE; BY AMENDING SECTION 20‑1‑290, RELATING TO WILFUL FAILURE OF LICENSE‑ISSUING OFFICER TO COMPLY WITH SECTIONS 20‑1‑250, 20‑1‑260 AND 20‑1‑270 AS CAUSE FOR REMOVAL, SO AS TO REMOVE REFERENCES TO CODE SECTIONS REPEALED BY THIS BILL; BY REPEALING SECTION 20‑1‑250 RELATING TO APPLICANTS UNDER THE AGE OF CONSENT AND THE CONSENT OF RELATIVE OR GUARDIAN; AND BY REPEALING SECTION 20‑1‑260 RELATING TO PROOF OF AGE REQUIRED OF A MINOR APPLICANT.

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

SECTION 1. Section 20‑1‑100 of the S.C. Code is amended to read:

 Section 20‑1‑100. Any person under the age of ~~sixteen~~ eighteen is not capable of entering into a valid marriage, and all marriages hereinafter entered into by such persons are void ab initio. A common‑law marriage hereinafter entered into by a person under the age of ~~sixteen~~ eighteen is void ab initio.

SECTION 2. Section 20‑1‑290 of the S.C. Code is amended to read:

 Section 20‑1‑290. The wilful failure of any officer responsible for the issuance of marriage licenses to comply with the terms of ~~Sections 20‑1‑250, 20‑1‑260 and~~ Section 20‑1‑270 shall be grounds or cause for removal from office.

SECTION 3. Sections 20‑1‑250 and 20‑1‑260 of the S.C. Code are repealed.

SECTION 4. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 5. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 6. This act takes effect upon approval by the Governor.

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