

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: House Bill 142 <1st Edition>

SHORT TITLE: Amend Marriage Statutes

SPONSOR(S): Representative Sutton

FISCAL IMPACT				
Yes ()	No (x)	No Estimate Available ()		
<u>FY 2001-02</u>	<u>FY 2002-03</u>	<u>FY 2003-04</u>	<u>FY 2004-05</u>	<u>FY 2005-06</u>
REVENUES				
EXPENDITURES				
<u>NO FISCAL IMPACT</u>				
POSITIONS:				
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Administrative Office of the Courts; County Register of Deeds;				
EFFECTIVE DATE: When it becomes law				

BILL SUMMARY: House Bill 142 modifies the procedures for obtaining a marriage license in several ways. Section 1 allows any mode of solemnization recognized by an Indian Nation or Tribe or religious domination as valid for a marriage. Current law is more restricted; Section 3 makes a corresponding change to the statute that forbids those able to solemnize a marriage from doing it without the parties having obtained a marriage license (penalty remains \$200 and Class 1 Misdemeanor); Section 2 allows those under 14 to marry if pregnant or having given birth if a district or family court determines them capable and that the marriage is in their best interest beyond the issue of the pregnancy; Section 5 requires applicants for a marriage license to be able to answer certain questions.; Section 6 establishes a form for issuing a marriage license without both parties having to appear before the register of deeds; Section 7 broadens the penalty for obtaining a license under false pretense to include those aiding or abetting and increases it to a Class 1 Misdemeanor ; Section 8 changes the language in the license form to substitute ‘State’ for ‘county’ and to extend the options for listing race to conform with Census categories; Section

9 allows corrections by the register of deeds of incorrect information on an application for a marriage license.

ASSUMPTIONS AND METHODOLOGY:

Judicial Branch

Because more categories of individuals would be authorized to perform marriage ceremonies, there is the potential for more instances of marriage ceremonies that don't comply with the law. There is not evidence to suggest, however, that this change would have a significant impact on the Court system. (sections 1, 3)

This bill creates a new judicial proceeding to consider allowing unmarried females under 14 years who are pregnant or have given birth or unmarried males under 14 who are the putative fathers to marry. The bill does not include any specifics of the kind of procedure the judge is to follow. If these proceedings are comparable to emancipation hearings, they could take 15 minutes to 2 hours per case. The Judicial Branch does not anticipate this bill would result in numerous hearings of this type. In 1999, there were 85 births to females between 11 and 13 (NC State Center for Health Statistics). However, we do not anticipate that very many of these females would seek to marry. Using a rough estimate of 5 (there were 5 marriages by 13 year olds in 1999), the bill would increase court time from between 1.25 and 10 hours statewide. They may also need to develop and print new forms. Because of the small number of anticipated cases, the Fiscal Research Division believes this impact could be absorbed within existing resources (section 2)

The bill also increases the penalty for obtaining a marriage license by misrepresentation or false pretenses from a Class 3 to a Class 1 misdemeanor and broadens it to include those who aid or abet. There appear to be a few such instances each year. Since Class 1 misdemeanors rarely receive active time (15% in 2000) we do not anticipate this having a significant impact on the Judicial Branch or local jails. (section 7)

Register of Deeds

The revised forms may require new forms to be printed. However, since forms are reprinted periodically, we are not assuming any fiscal impact on counties. (section 6, 8)

TECHNICAL CONSIDERATIONS: The Judicial Branch notes that because the bill does not specify the kind of procedure for considering marriage of persons under age 14, there are several unresolved issues; whether court fees would be charges, what kind of notice of parties is required, confidentiality requirements, timing, and appeals process.

FISCAL RESEARCH DIVISION 733-4910

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Official

Fiscal Research Division

Publication



Signed Copy Located in the NCGA Principal Clerk's Offices