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**SENATE BILL 5695**

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**State of Washington 68th Legislature 2023 Regular Session**

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

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

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

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

(1) Marriage is a civil contract between two persons who have each attained the age of ((~~eighteen~~)) 18 years, and who are otherwise capable.

(2) Every marriage entered into in which either person has not attained the age of ((~~seventeen~~)) 18 years is void ((~~except where this section has been waived by a superior court judge of the county in which one of the parties resides on a showing of necessity~~)).

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

(4) No regularly licensed or ordained minister or any priest, imam, rabbi, or similar official of any religious organization is required to solemnize or recognize any marriage. A regularly licensed or ordained minister or priest, imam, rabbi, or similar official of any religious organization shall be immune from any civil claim or cause of action based on a refusal to solemnize or recognize any marriage under this section. No state agency or local government may base a decision to penalize, withhold benefits from, or refuse to contract with any religious organization on the refusal of a person associated with such religious organization to solemnize or recognize a marriage under this section.

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

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

(7) For purposes of this section:

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

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

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

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

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

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

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

(1) The county auditor, before a marriage license is issued, upon the payment of a license fee as fixed in RCW 36.18.010 shall require each applicant therefor to make and file in the auditor's office upon blanks to be provided by the county for that purpose, an affidavit showing that if an applicant is afflicted with any contagious sexually transmitted disease, the condition is known to both applicants, and that the applicants are the age of ((~~eighteen~~)) 18 years or over. ((~~If the consent in writing is obtained of the father, mother, or legal guardian of the person for whom the license is required, the license may be granted in cases where the female has attained the age of seventeen years or the male has attained the age of seventeen years.~~)) Such affidavit may be subscribed and sworn to before any person authorized to administer oaths.

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

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

(4) Any person knowingly violating this section is guilty of a class C felony and shall be punished by a fine of not more than ((~~one thousand dollars~~)) $1,000, or by imprisonment in a state correctional facility for a period of not more than three years, or by both such fine and imprisonment.

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

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