

CHAPTER 3

CHILDREN AND DOMESTIC MATTERS

SENATE BILL 06S-006

BY SENATOR(S) Boyd, Bacon, Dyer, Entz, Fitz-Gerald, Gordon, Groff, Hagedorn, Isgar, Jones, Keller, Kester, Lamborn, May R., McElhany, Sandoval, Shaffer, Taylor, Teck, Tochtrop, Tupa, Veiga, Williams, and Windels;
also REPRESENTATIVE(S) Green, McGihon, Benefield, Berens, Borodkin, Buescher, Carroll M., Coleman, Hodge, Jahn, Kerr A., Kerr J., Knoedler, Lundberg, Marshall, Massey, Merrifield, Romanoff, and Todd.

AN ACT**CONCERNING AGE RESTRICTIONS FOR COMMON LAW MARRIAGE.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 14-2-104 (3), Colorado Revised Statutes, is amended to read:

14-2-104. Formalities. (3) Nothing in this section shall be deemed to repeal or render invalid any otherwise valid common law marriage between one man and one woman:

(a) ENTERED INTO PRIOR TO SEPTEMBER 1, 2006; OR

(b) ENTERED INTO ON OR AFTER SEPTEMBER 1, 2006, THAT COMPLIES WITH SECTION 14-2-109.5.

SECTION 2. Part 1 of article 2 of title 14, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

14-2-109.5. Common law marriage - age restrictions. (1) A COMMON LAW MARRIAGE ENTERED INTO ON OR AFTER SEPTEMBER 1, 2006, SHALL NOT BE RECOGNIZED AS A VALID MARRIAGE IN THIS STATE UNLESS, AT THE TIME THE COMMON LAW MARRIAGE IS ENTERED INTO:

(a) EACH PARTY IS EIGHTEEN YEARS OF AGE OR OLDER; AND

(b) THE MARRIAGE IS NOT PROHIBITED, AS PROVIDED IN SECTION 14-2-110.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(2) NOTWITHSTANDING THE PROVISIONS OF SECTION 14-2-112, A COMMON LAW MARRIAGE CONTRACTED WITHIN OR OUTSIDE THIS STATE ON OR AFTER SEPTEMBER 1, 2006, THAT DOES NOT SATISFY THE REQUIREMENTS SPECIFIED IN SUBSECTION (1) OF THIS SECTION SHALL NOT BE RECOGNIZED AS VALID IN THIS STATE.

SECTION 3. Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: July 18, 2006