

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 18.2-371 and 20-48 of the Code of Virginia and to repeal § 18.2-66 of*
3 *the Code of Virginia, relating to effect of subsequent marriage to child over 14 years of age.*

4 [S 608]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That §§ 18.2-371 and 20-48 of the Code of Virginia are amended and reenacted as follows:**

8 § 18.2-371. Causing or encouraging acts rendering children delinquent, abused, etc.; penalty;
9 abandoned infant.

10 Any person 18 years of age or older, including the parent of any child, who (i) willfully contributes
11 to, encourages, or causes any act, omission, or condition which renders a child delinquent, in need of
12 services, in need of supervision, or abused or neglected as defined in § 16.1-228, or (ii) engages in
13 consensual sexual intercourse with a child 15 or older not his spouse, child, or grandchild, shall be
14 guilty of a Class 1 misdemeanor. This section shall not be construed as repealing, modifying, or in any
15 way affecting §§ 18.2-18, 18.2-19, 18.2-61, 18.2-63, ~~18.2-66~~, and 18.2-347.

16 If the prosecution under this section is based solely on the accused parent having left the child at a
17 hospital or rescue squad, it shall be an affirmative defense to prosecution of a parent under this section
18 that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to
19 an attended rescue squad that employs emergency medical technicians, within the first 14 days of the
20 child's life. In order for the affirmative defense to apply, the child shall be delivered in a manner
21 reasonably calculated to ensure the child's safety.

22 § 20-48. Minimum age of marriage with consent of parents.

23 The minimum age at which persons may marry, with consent of the parent or guardian, shall be
24 sixteen.

25 In case of pregnancy when either party is under sixteen, the clerk authorized to issue marriage
26 licenses in the county or city wherein the female resides shall issue a proper marriage license with the
27 consent of the parent or guardian of the person or persons under the age of sixteen only upon
28 presentation of a doctor's certificate showing he has examined the female and that she is pregnant, or
29 has been pregnant within the nine months previous to such examination, which certificate shall be filed
30 by the clerk, and such marriage consummated under such circumstances shall be valid. If any such
31 person under the age of sixteen is a ward of the Commonwealth by virtue of having been adjudicated a
32 delinquent, dependent, or neglected child, instead of the consent of the parent or natural guardian there
33 shall be required the consent of the judge having jurisdiction to control the custody of such person; or,
34 if such person so adjudicated shall have been committed to the Department of Juvenile Justice or to any
35 society, association, or institution approved by it for this purpose, such consent shall be given by some
36 person thereto authorized by the Director of the Department of Juvenile Justice, or by the principal
37 executive officer of such society, association, or institution, as the case may be.

38 Nothing herein contained shall be construed to prevent clerks from issuing a marriage license under
39 circumstances mentioned in ~~§ 18.2-66~~, or to prevent persons under circumstances mentioned therein from
40 marrying.

41 **2. That § 18.2-66 of the Code of Virginia is repealed.**