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HOUSE BILL NO. 597**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee for Courts of Justice
on February 8, 2008)

(Patron Prior to Substitute—Delegate McClellan)

A BILL to amend and reenact §§ 18.2-371 and 20-48 of the Code of Virginia and to repeal § 18.2-66 of the Code of Virginia, relating to effect of subsequent marriage to child over 14 years of age.

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

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

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

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

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

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

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

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

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