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REGULAR SESSION, 1982

Committee Substitute for
SENATE BILL NO. 465

In Effect.....*from*.....Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 465

(BY MR. JONES, *original sponsor*)

(Passed March 3, 1982; in effect from passage.)

AN ACT to amend and reenact sections two and three, article one, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to what relatives a man may not marry and what relatives a woman may not marry; providing exceptions thereto where relationships exist by virtue of adoption proceedings; and providing that the court may conduct an investigation into the natural parents of the adoptive person.

Be it enacted by the Legislature of West Virginia:

That sections two and three, article one, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 1. MARRIAGE.

§48-1-2. What relatives a man may not marry.

1 No man shall marry his mother, grandmother, sister,
2 daughter, granddaughter, half sister, aunt, brother's
3 daughter, sister's daughter, first cousin, or double cousin:
4 *Provided*, That for the purpose of this section cousin or
5 double cousin shall not include persons whose relationship is
6 created solely by adoption: *Provided, however*, That if it be
7 necessary to open and examine the record of any adoption
8 proceeding in the state to ascertain that a relationship of
9 cousin or double cousin is created solely by adoption, then an

10 application may be made to the circuit court wherein such
11 proceeding was had, by the clerk of the county commission
12 seeking to issue the marriage license, or either party applying
13 for such license, to open such record and cause examination
14 thereof. Upon such application, the judge shall examine the
15 record confidentially and report to the clerk whether the
16 record discloses any consanguinity prohibited by this section
17 and may grant such other relief prayed for which may be
18 proper under section four, article four of this chapter.

§48-1-3. What relatives a woman may not marry.

1 No woman shall marry her father, grandfather, brother, son,
2 grandson, half brother, uncle, brother's son, sister's son, first
3 'cousin, or double cousin: *Provided*, That for the purpose of
4 this section cousin or double cousin shall not include persons
5 whose relationship is created solely by adoption: *Provided*,
6 *however*, That if it be necessary to open and examine the
7 record of any adoption proceeding in the state to ascertain
8 that a relationship of cousin or double cousin is created solely
9 by adoption, then an application may be made to the circuit
10 court wherein such proceeding was had, by the clerk of the
11 county commission seeking to issue the marriage license, or
12 either party applying for such license, to open such record
13 and cause examination thereof. Upon such application, the
14 judge shall examine the record confidentially and report to
15 the clerk whether the record discloses any consanguinity
16 prohibited by this section and may grant such other relief
17 prayed for which may be proper under section four, article
18 four of this chapter.

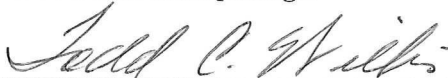
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman Senate Committee

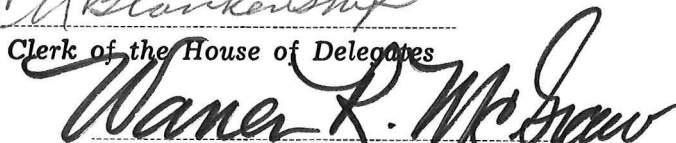

Chairman House Committee

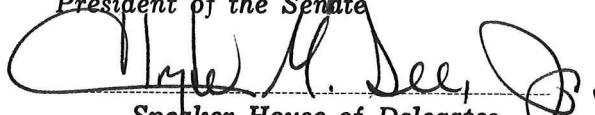
Originated in the Senate.

To take effect from passage.


Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker House of Delegates

The within is approved this the 9
day of March, 1982.


Governor

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