Legal Age of Consent for Marriage and Sex for the 50 United States\*

Legal Minimum Age of Consent for Marriage

Legal Minimum Age of Consent for Sex

Legal Minimum Age of Consent for Marriage

Legal Minimum Age for Marriage with Parental Consent

Whether minors under the minimum legal age can marry with parental and judicial consent

Presence of stipulations that minors under the minimum age can marry due to pregnancy

Relevant language regarding voluntary consent and welfare of minor

Statutes Governing the Legal Age of Consent for Marriage

Voidability of Marriage to Minor / Annulment

Legal Minimum Age of Consent for Sexual Activity

Age Differential Between Victim and Defendant if Provided

Statutes Governing the Legal Age of Consent for Sex

Alabama

18

16

N/A

N/A

N/A

Ala. Code § 30-1-4; § 30-1-5

Annulments can still be brought while a party is underage.

16

2 years

Ala. Code § 13A-6-62; 13A-6-64

Alaska

18

16

Yes (Minimum age: 14)

N/A

Judicial permission for marriage of minors between the age of 14-16 requires that the parents and minor be heard

and "the best interest of the minor" be considered.

Alaska Stat. Ann. § 25.05.171

Marriage is voidable if consent is obtained by force. Alaska Stat. Ann. § 25.05.031

16

3 or 4 Years (Depending on Age of Defendant)

Alaska Stat. Ann. § 11.41.434; § 11.41.445

Arizona

18

16

Yes.

N/A

Judicial permission for marriage of minors under 16 requires 1)premarital counseling, 2)voluntary consent of minor,

3) best interest of the minor, 4) may require the minor to attend school

Ariz. Rev. Stat. Ann. § 25-102

Governed by Ariz. Rev. Stat. Ann.§ 25-301

15 / 18

If the victim is at least 15 and the defendant is either under 19, attending high school or is no more than two years

older than the victim, than sexual conduct is deemed consensual.

Ariz. Rev. Stat. Ann. § 13-1405, 13-1407

Arkansas

18

Male: 17 Female: 16

Yes, in case of pregnancy.

Yes. [Specified in § 9-11-103]

Judge can override parental permission in the case of marriage of minors "if the marriage is not in the child's best

interest."

Ark. Code Ann. § 9-11-102 - § 9-11-105

All marriages of a party under the age of 17 for males and 16 for females is voidable. § 9-11- 105.

14 / 16

If the defendant is 20 years or older, the age of consent is 16. Otherwise, it is 14, with a 4 year age differential for

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victims over the age of 12.

Ark. Code. Ann § 5-14-101 - § 5-14-127

California

18

No Age Limits

Yes.

N/A

Judge may require premarital counseling before giving consent to minors.

Cal. Fam. Code § 300 - § 303

Annulment is available if consent was obtained by force. Cal. Fam. Code § 2210

18

Grade of crime ranges depending on age of victim and defendant.

Cal. Penal Code § 261.5

Colorado

18

16

Yes.

N/A

"A license [shall be issued]...only if the court finds that the underage party is capable of assuming the responsibilities

of marriage and the marriage would serve his best interests. Pregnancy alone does not establish that the best

interests of the party would be served."

Colo. Rev. Stat. § 14-2-106; § 14-2-108

Annulment is available if party entered into marriage under duress. Colo. Rev. Stat. Ann. § 14-10-111

18/15

Sexual intrusion or sexual penetration with someone less than 15 years of age is sexual assault when the defendant

is at least 4 years older than the victim. If the defendant at least 10 years older than the victim, the age of consent is

raised to 17.

Colo. Rev. Stat. § 18-3-1402, 1404

Connecticut

18

16

Yes. (Must have both)

N/A

N/A

Conn. Gen. Stat. Ann. § 46b-30

Governed by Conn. Gen. Stat. Ann. § 46b-40

16

If the victim is older than 13, but younger than 16 and the defendant is 3 years older than the victim, it is sexual

assault.

Conn. Gen. Stat. Ann. § 53a-73a

Delaware

18

No Age Limits

Yes. (Must have judicial consent).

N/A

Judicial permission should consider: "the best interests of the minor seeking to be married; the wishes of the minor

and such minor's parents or legal guardians; the mental and physical health of the individuals to be married; the

criminal history of the individuals seeking to be married..."

Del. Code Ann. tit. 13, § 123

Annulment available if party was under duress when consenting to marriage. Del. Code Ann. tit. 13, § 1506

16 /18

If the victim is older than 16 but not yet 18, and the defendant is 30 years or older, sexual acts are criminal unless the

parties are married.

Del. Code. Ann. tit. 11, § 770

Florida

18

16

Yes. (In case of pregnancy or children).

Yes.

N/A

Fla. Stat. Ann. § 741.0405

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N/A

16

If a person who is 24 or older engages in sexual activity with a person 16 or 17, it constitutes a felony, unless the

parties are married.

Fla. Stat. Ann. § 794.05, 800.04

Georgia

18

16

N/A

N/A

N/A

Ga. Code Ann. §§ 19-3-2

Code stipulates that consent must be voluntary and freely given, and if not is subject to annulment. However, if

consent is later given along with cohabitation, annulment may be unavailable. Ga. Code Ann. § 19- 3-5

16

If the victim is at least 14 but not yet 16, and the defendant is at least 18 or younger and no more than 4 years older

than the victim, the penalty is mitigated as a misdemeanor.

Ga. Code. Ann. § 16-6-3

Hawaii

18

16

Yes. (Minimum age 15.)

N/A

"Consent of neither party to the marriage has been obtained by force, duress, or fraud."

Haw. Rev. Stat. § 572-1, 572-2

If consent was obtained by force, annulment is available. Haw. Rev. Stat. § 580-21

16

If the victim is at least 14, but not yet 16 and the defendant is less than 5 years older than the victim or if the parties

are married, the sexual activity is consensual.

Haw. Rev. Stat. § 707-730

Idaho

18

16

Yes.

N/A

For minors under age 16, they must show that they are "physically and/or mentally so far developed as to assume

full marital and parental duties, and/or that it is to the best interest of society that the marriage be permitted"

Idaho Code Ann. § 32-202

N/A

16 / 18

When a victim is 16 or 17 and the perpetrator is 3 years older than the victim, it does constitute rape.

Idaho Code Ann. § 18-6101, 6107, 6108, 1508A

Illinois

18

16

N/A

N/A

Marriage of underage minors can only be approved if the Court finds that the underaged party is "capable of

assuming the responsibilities of marriage and the marriage will serve his best interest. Pregnancy alone does not

establish that the best interest of the party will be served."

750 Ill. Comp. Stat. Ann. 5/203, 5/208

Marriage can be declared invalid if party consented due to force or fraud. 750 Ill. Comp. Stat. Ann. 5/301

17

A defendant commits aggravated criminal sexual abuse if the victim is at least 13 years of age but under 17 years of

age and the accused at least 5 years older than the victim.

720 Ill. Comp. Stat. Ann. 5/11-1.60

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Presence of stipulations that minors under the minimum age can marry due to pregnancy

Relevant language regarding voluntary consent and welfare of minor

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Voidability of Marriage to Minor / Annulment

Legal Minimum

Age of Consent for Age Differential Between Victim and Statutes Governing the Legal Age of

Sexual Activity Defendant if Provided Consent for Sex

Indiana

18

17

Yes (Minimum age: 15)

Yes.

In case of marriage of minors over age 15 due to pregnancy, one of the elements that must be proven is that 'the

individuals desire to marry each other."

Ind. Code Ann. § 31-11-1-4 - § 31-11-1-6

Annulment available if incapable of consenting due to age. Ind. Code Ann. 31-11-10-1

16

4 Years

Ind. Code Ann. § 35-42-4-9

Iowa

18

16

N/A

N/A

N/A

Iowa Code Ann. § 595.2

N/A

16

If the victim is 14 or 15 and the defendant is more than 4 years the victim, it does constitute sexual abuse.

Iowa Code Ann. § 709.4

Kansas

18

16

Yes (Minimum age 15)

N/A

"when the marriage is in the best interest of the person 15 years of age..."

Kan. Stat. Ann. § 23-106

16

4 Years

Kan. Stat. Ann. § 21-3504, 3502, 3522 (As amended by 2011 Kan. Sess. Laws Ch. 30 (H.B. 2339)

Kentucky

18

16

Yes, in case of pregnancy.

Yes.

N/A

Ky. Rev. Stat. Ann. § 402.020

A court can declare a marriage invalid if consent was induced by force. Ky. Rev. Stat. Ann. § 403.120

16

N/A

Ky Rev. Stat. Ann. § 510.020

Louisiana

18

16

Yes.

N/A

N/A

La. Child. Code Ann. art. 1545

Absence of consent will nullify a marriage. La. Civ. Code Ann. art. 95

17

4 Years

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La. Rev. Stat. Ann. § 14:80

Maine

18

16

Yes.

N/A

"The judge of probate shall base a decision on whether to issue consent on the best interest of the parties under 16

years of age and shall consider the age of both parties and any criminal record of a party who is 18 years of age or

older."

Me. Rev. Stat. Ann. tit. 19, § 652

16

5 Years

Me. Rev. Stat. Ann. tit. 17, § 254

Maryland

18

16

Yes (minimum age 15) in case of pregnancy.

Yes.

N/A

Md. Code. Ann., Family Law § 2-301

N/A

16

4 Years

Md. Code. Ann. Crim. Law § 3-308

Massachusetts

18

Male: 14; Female 12

N/A

N/A

N/A

Mass. Gen. Laws Ann. ch.. 207, § 7, 24, 25

Annulment governed by Mass. Gen. Laws. Ann. ch.. 207, § 14

16

N/A

Mass. Gen. Laws Ann. ch. 265, § 23

Michigan

18

16

N/A

N/A

N/A

Mich. Comp. Laws Ann. § 551.51; § 551.103;

Marriages under the age of 16 are void. § 551.51

16

Sexual contact with a person older than 13 but not yet 16 years of age is legal if the defendant is less than 5 years

older than the person.

Mich. Comp. Laws Ann. § 750.520d, 520e

Minnesota

18

16

N/A

N/A

N/A

Minn. Stat. Ann. § 517.02

Annulment if consent was obtained by force. Minn. Stat. Ann. § 518.02

16

If the victim is at least 13 but not yet 16, and the defendant is less than 2 years older than the victim, sexual conduct

is consensual.

Minn. Stat. Ann. § 609.342 - 609.344

Mississippi

Male 17; Female 15

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No Age Limits

Yes

N/A

"if satisfactory proof is furnished...that sufficient reasons exist and that the parties desire to be married to each other

and that the parents or other person in loco parentis of the person or persons so under age consent to the marriage,

then the judge of any such court in the county where either of the parties resides may waive the minimum age

requirement..."

Miss. Code Ann. § 93-1-5

N/A

16

Sexual intercourse with a victim who is at least 14 but not yet 16 and is at least 3 years younger than the defendant,

it is considered statutory rape, and if the victim is under the age of 14 and is two years younger than the defendant.

Miss. Code. Ann. § 97-3-65

Missouri

18

15

Yes, judicial consent required.

N/A

Re: license for minor under age of 15: "such license being issued only for good cause shown and by reason of such

unusual conditions as to make such marriage advisable."

Mo. Ann. Stat. § 451.090

N/A

17/14

If the person is over the age of 14, the defendant must be twenty-one years or older for it to be considered statutory

rape.

Mo. Ann. Stat. § 566.032, § 566.034

Montana

18

16

N/A

Pregnancy alone cannot establish "best interests."

In case of marriage of minors age 16 or 17: "A marriage license and a marriage certificate form may be issued under

this section only if the court finds that the underaged party is capable of assuming the responsibilities of marriage

and the marriage will serve the party's best interests."

Mont. Code. Ann. § 40-1-213;§ 40-1-202

N/A

16

4 years

Mont. Code Ann. § 45-5-501 - §45-5-503

Nebraska

17

17

N/A

N/A

N/A

Neb. Rev. St. § 42-102; 42-105

Annulment if by force or fraud. Neb. Rev .St. § 42-374

16

Actor must be at least nineteen years of age.

Neb. Rev. Stat. § 28-319, § 28-319.91

Nevada

18

16

Yes.

Pregnancy alone cannot establish "best interests."

A court can authorize marriage of parties under 16 in "extraordinary circumstances" but must find that "the marriage

will serve the best interests of such person."

Nev. Rev. Stat. Ann. § 122.025

Annulment must occur within a year after the minor turns 18. Nev. Rev. Stat. § 125.320

16

N/A

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Nev. Rev. Stat. § 200.364

New Hampshire

18

Males 14, Females 13

N/A

N/A

N/A

N.H. Rev. Stat. § 457:4, § 457:5

Annulment is available for any

person married under age 18, but is limited if parental consent is given. N.H. Rev. Stat. § 457:5.

16

4 Years

N.H. Rev. Stat. Ann. § 632-A:4

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Age of Consent for Age Differential Between Victim and Statutes Governing the Legal Age of

Sexual Activity Defendant if Provided Consent for Sex

New Jersey

18

16

Yes.

N/A

N/A

N.J. Stat. Ann. 37:1-6

Lack of mutual assent, duress, or fraud can be grounds for nullification of marriage. N.J.Stat. Ann. 2A:34-1

16

4 Years

N.J. Stat. Ann. § 2C:14-2

New Mexico

18

16

Yes.

Yes.

N/A

N.M. Stat. Ann. § 40-1-5, § 40-1-6

N/A

18 / 16

Criminal sexual penetration is perpetrated when the victim is over 13 but not yet 16 when the perpetrator is at least

18 and is at least four years older than the child and not the spouse of that child.

N.M. Stat. Ann. § § 30-9-11

New York

18

16

Yes. (Minimum age 14).

N/A

N/A

N.Y. Dom. Rel. § 7, 15a

Marriage is void if party consented due to force, duress of fraud. N.Y. Dom. Rel. § 7

17

It is considered rape if the defendant is at least 21 years older and the victim is 17, or if the defendant is at least 18

and the victim is 15.

N.Y. Penal Law § 130.05, .25, .30, .35

North Carolina

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18

16

Yes (Minimum age 14)

Yes, but pregnancy alone cannot be determinant.

"A district court judge may issue an order authorizing a marriage under this section only upon finding as fact and

concluding as a matter of law that the underage party is capable of assuming the responsibilities of marriage and the

marriage will serve the best interest of the underage party. "

N.C. Gen. Stat. Ann. § 51-2

Annulment limited by post- marriage cohabitation and if children are conceived. N.C. Gen. Stat. Ann. § 51-3

16

4 Years

N.C. Gen. Stat. Ann. § 14-27.7A.

North Dakota

18

16

N/A

N/A

N/A

N.D. Cent. Code Ann. § 14-03-02

N/A

18 / 15

"An adult who...engages in or causes another to engage in a sexual act when the adult is at least twenty-two years

of age and the victim is a minor fifteen years of age or older, is guilty of a class C felony."

N.D. Cent. Code Ann. § 12.1-20-01, § 12.1-20- 03, § 12.1-20-05

Ohio

18

Male 18; Female 16

N/A

N/A

"If either applicant is under the age of eighteen years, the judge shall require the applicants to state that they

received marriage counseling satisfactory to the court"

Ohio Rev. Code Ann. § 3101.01, § 3101.05

Annulment available if consent is obtained by force or party is under age of consent. Ohio Rev. Code Ann. § 3105.31

16

N/A

Ohio Rev. Code Ann. § 2907.04

Oklahoma

18

16

Yes, in case of pregnancy

Yes.

N/A

Okla. Stat. tit. 43, § 3

Annulment only available if party was incapable of consenting. Okla. Stat. tit. 43, § 128

16

Persons age 14-16 can consent to sex as long as the defendant is under the age of 18.

Okla. Stat. tit. 21, § 1111, 1112

Oregon

18

17

N/A

N/A

N/A

Or. Rev. Stat. Ann. § 106.010 - § 106.060

If consent was obtained by force or fraud, marriage is voidable. Or. Rev. Stat. Ann § 106.030

18

If the victim is at least 15 years of age or older, sexual intercourse is legal if the defendant is less than 3 years older

than the victim.

Or. Rev. Stat. § 163.315, 345

Pennsylvania

18

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16

Yes

N/A

"No marriage license may be issued if either of the applicants for a license is under 16 years of age unless the court

decides that it is to the best interest of the applicant and authorizes the issuance of the license."

23 Pa. Cons. Stat. § 1304

Governed by 23 Pa. Cons. Stat. § 3303

16

4 Years

18 Pa.Cons.Stat. § 3122.1

Rhode Island

18

Male 18; Female 16

Yes, Judicial Consent

N/A

N/A

R.I. Gen. Laws Ann. § 15-2-11

N/A

16

If the victim is between 14-16, sex is consensual unless the defendant is over the age of 18.

R.I. Gen. laws Ann. § 11-37-6

South Carolina

18

16

Yes, in case of pregnancy.

Yes

N/A

S.C. Code Ann. § 20-1-100, 20-1-250, 20- 1-300

Governed by S.C. Code Ann. § 20- 1-100

16 / 14

"A person may not be convicted of a violation of the provisions of this item if he is eighteen years of age or less when

he engages in consensual sexual conduct with another person who is at least fourteen years of age."

S.C. Code Ann. § 16-3-655

South Dakota

18

16

N/A

N/A

N/A

S.D. Codified Laws § 25-1-9

Limited by absence of parental consent and cohabitation with spouse. § 25-3-4

16

3 Years

S.D. Codified Laws § 22-22-1

Tennessee

18

16

N/A

N/A

N/A

Tenn. Code Ann. § 36-3-104 - §36-3-107

Marriages of minors under the age of 16 can be annulled. § 36-3-105

18 / 15

4 Years

Tenn. Code Ann. § 39-13-506

Texas

18

16

Yes

N/A

"If after a hearing the court, sitting without a jury, believes marriage to be in the best interest of the minor, the court,

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by order, shall grant the minor permission to marry."

Tex. Fam. Code Ann. § 2.101-2.103

Governed by Tex. Fam. Code Ann. § 6.102-6.104

17 / 14

3 Years

Tex. Penal Code Ann. § 22.011

Utah

18

16

Yes (Minimum age 15)

N/A

"Before issuing written authorization for a minor to marry, the judge or court commissioner shall determine: (i) that

the minor is entering into the marriage voluntarily; and

(ii) the marriage is in the best interests of the minor under the circumstances.

(b) The judge or court commissioner shall require that both parties to the marriage complete premarital counseling."

Utah Code Ann. § 30-1-2, § 30-1-9

Utah Code Ann. § 30-1-17.1

16 / 18

Sexual conduct with a 16 or 17 year old is unlawful if the defendant is 10 or more years older than the victim.

Utah Code Ann. § 76-5-401, 76-5-401.2

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Vermont

18

16

N/A

N/A

N/A

Vt. Stat. Ann. tit. 18, § 5142

N/A

16

If the defendant is less than 19 years old and the victim is at least 15 years old, sex is consensual.

Vt. Stat. Ann. tit. 13, § 3252

Virginia

18

16

Yes

Yes

N/A

Va. Code Ann. § 20-48, § 20-49

"A party who, at the time of such marriage as is mentioned in § 20- 48 or § 20-49, was capable of consenting with a

party not so capable, shall not be permitted to institute a suit for the purpose of annulling such marriage."(§ 20-

89.1)

18 / 15

N/A

Va. Code. Ann. § 18.2-63, § 18.2-371.

Washington

18

17

Yes, Judicial Consent

N/A

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Marriage of minors not yet seventeen is void except where a county judge consents after a "showing of necessity."

Wash. Rev. Code § 26.04.010

"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." (26.04.130)

16

4 Years

Wash. Rev. Code § 9A.44.079

West Virginia

18

16

Yes

N/A

"to issue a license to an applicant

under the age of sixteen if, in the court's discretion, the issuance of a license is in the best interest of the applicant

and if consent is given by the parents or guardian"

W. Va. Code § 48-2-301

Marriage of minor under 16 is voidable but becomes ratified once reach the age of majority. (48-2-301)

16

4 Years

W. Va. Code § 61-8B-5

Wisconsin

18

16

N/A

N/A

N/A

Wis. Stat. Ann. § 765.02

Lack of capacity to consent due to age warrants an annulment (767.313)

18

N/A

Wis. Stat. § 948.01, 948.09

Wyoming

18

16

Yes, Judicial Consent

N/A

N/A

Wyo. Stat. Ann. § 20-1-102

Marriage of minor under 16 is voidable, unless approved by judge. (20-1-102)

16/13

Range depending on age of victim and age of defendant. See Statutes.

Wyo. Stat. Ann. § 6-2-314, 315, 316, 317

Washington DC

18

16

N/A

N/A

N/A

D.C. Code § 46-403, § 46-411

Marriage of minor under age of 16 and when consent is procure by force or fraud (46-403; 404)

16

4 Years

D.C. Code § 22-3001, 3008, 3011

Prepared by Hannah Cartwright for Global Justice Initiative on August 21, 2011.

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1. What is the minimum legal age of consent for marriage in all 50 states?

2. List the states and ages where it is legal to get married with parental consent under 16 years of age?

3. In which cases do some states allow marriage under the legal age of consent and with judicial consent (consent

from the court)?

4. Which states have stipulations that minors under the minimum legal age can marry due to pregnancy?Chi