

REFERENCE TITLE: Status Of Women

Sen. [Signature]
State of Arizona
Sandra E. Clannon
Thirtieth Legislature
Second Regular Session

Frank Kelley
Bob Humphreys
John [Signature]
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S. B. 321

Introduced by *Sandra E. Clannon*

AN ACT

RELATING TO WOMEN; PRESCRIBING CHANGES IN CERTAIN STATUTES RELATING TO WOMEN'S RIGHTS, AND AMENDING SECTIONS 11-465, 13-134, 14-726, 14-727, 15-1063, 25-102, 25-122, 25-128 AND 25-211, ARIZONA REVISED STATUTES.

Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Purpose

3 The purpose of this act is to eliminate certain provisions of law
4 that discriminate against or favor, without adequate justification, the
5 female sex.

6 Sec. 2. Section 11-465, Arizona Revised Statutes, is amended
7 to read:

8 11-465. Discharge papers of service personnel

9 The recorder shall record without fee the discharge papers of
10 officers and enlisted ~~men~~ PERSONNEL of the military and naval forces
11 of the United States, and of war nurses.

12 Sec. 3. Section 13-134, Arizona Revised Statutes, is amended
13 to read:

14 13-134. Certain persons not punished for acts or omissions

15 The following persons shall not be punished for their acts or
16 omissions:

17 1. Those who committed the act or made the omission charged
18 under an ignorance or mistake of fact, which disproves any criminal
19 intent.

1 2. Those who committed the act charged without being conscious
2 thereof.

3 3. Those who committed the act or made the omission charged
4 through misfortune or by accident, when it appears that there was
5 no evil design, intention or culpable negligence.

6 ~~4. Married women, except for felonies, acting under threats,
7 command or coercion of their husbands.~~

8 6. 4. Those, unless the crime is punishable with death, who
9 committed the act or made the omission charged under threats or
10 menaces sufficient to show that they had reasonable cause to, and
11 did believe their lives would be endangered if they refused.

12 Sec. 4. Section 14-726, Arizona Revised Statutes, is amended
13 to read:

14 14-726. Procedure when estate not susceptible to
15 partition; disposition of property

16 A. When the commissioners appointed to partition the estate
17 are of the opinion that the real property cannot be divided without
18 prejudice or inconvenience to the owners, they shall so report to the
19 court, and find and report the true value of the real property. The
20 court may thereupon assign the whole to one or more of the parties
21 entitled to share therein who will accept it. ~~Always preferring~~
22 ~~males to females, and among children preferring the elder to the~~
23 ~~younger.~~ The parties accepting the whole shall pay to the other
24 parties interested their just proportion of the true value thereof
25 as found, or secure the proportion to their satisfaction, or, if
26 the party is a minor, to the satisfaction of his guardian.

27 B. On making or securing the payment the court, if it appears
28 just and proper, shall confirm the report, and thereupon the assign-
29 ment is complete, and title to the whole of the real property vests
30 in the person to whom it is so assigned.

31 Sec. 5. Section 14-727, Arizona Revised Statutes, is amended
32 to read:

33 14-727. Equalization by cash payment

1 A. When a tract of land is of greater value than another share
2 in the estate to be divided, and it cannot be divided without injury
3 thereto, it may be set off by the commissioners appointed to make
4 partition to any of the parties who will accept it. ~~giving prefer-~~
5 ~~ence as prescribed by section 14-726.~~ The party accepting it shall
6 pay or secure to the others such amounts as the commissioners shall
7 award to make the partition equal, and the commissioners shall make
8 their award accordingly.

9 B. The partition shall not be established by the court until
10 the amounts awarded are paid to the parties entitled to them, or
11 secured to their satisfaction.

12 Sec. 6. Section 15-1063, Arizona Revised Statutes, is amended
13 to read:

14 15-1063. Use of funds

15 A. Monies in the Arizona youth farm loan fund may be used only
16 for such of the rural rehabilitation purposes as are permissible under
17 the Arizona rural rehabilitation corporation's charter as may from
18 time to time be agreed upon by the board of vocational education and
19 the secretary of agriculture of the United States or his delegate,
20 including, but not limited to, furnishing financial assistance to
21 deserving young men PERSONS under twenty-five years of age who are
22 students or former students of vocational agriculture or young farmers
23 in organized vocational agriculture classes in becoming satisfactorily
24 established in farming through guaranteed loans, if they cannot obtain
25 needed financing elsewhere on reasonable rates and terms.

26 B. Administrative expenses of carrying out the provisions of
27 this article, including but not limited to salaries, capital outlay,
28 professional services, travel and current expenditures, shall be paid
29 from annual appropriations made by the legislature to the state board
30 of vocational education, and no part of the trust funds as provided
31 by subsection A may be used for any purpose not expressly listed in
32 subsection A.

33 Sec. 7. Section 25-102, Arizona Revised Statutes, is amended
34 to read:

1 25-102. Minimum age at which persons may marry;
2 exceptions and prohibition
3 A. ~~Males~~ PERSONS under eighteen ~~or-females-under-sixteen~~ years
4 of age shall not marry.
5 B. A female under ~~sixteen~~ EIGHTEEN years of age who is or is
6 about to become the mother of a child may, with the consent of the
7 parent or guardian having her custody and with approval of any superior
8 court judge in the state, marry the father of her child. A female who
9 is or is about to become the mother of a child, may marry the father
10 of the child although the father is under eighteen years of age, with
11 the consent of the parent or guardian having his custody and the ap-
12 proval of any superior court judge in the state.
13 C. No marriage shall take place under the provisions of this
14 section if it is prohibited by the law relating to prohibited and
15 void marriages.

16 Sec. 8. Section 25-122, Arizona Revised Statutes, is amended
17 to read:

18 25-122. Consent of parents of minors
19 The clerk of the superior court shall not issue a license without
20 consent of the parents or guardians of the parties applying therefor un-
21 less the applicants are ~~a-male,-twenty-one-years-of-age-or-over-and-a~~
22 ~~female,~~ eighteen years of age or over. When both parents are living,
23 the consent of the father alone is sufficient. When the parents are
24 living apart the consent shall be given by the parent who has the
25 custody of the minor.

26 Sec. 9. Section 25-128, Arizona Revised Statutes, is amended
27 to read:

28 25-128. Unlawfully performing marriage of minor; unlawfully
29 issuing license to minor; failure to make return
30 of marriage; penalty

31 A. If any person authorized by law to solemnize marriages know-
32 ingly takes part in or by his presence sanctions, or issues a certificate
33 for the marriage of a male person ~~under-the-age-of-twenty-one-years-or-a~~

1 female under the age of eighteen years, without consent in writing of
2 the parent or guardian lawfully entitled to give such consent, such
3 person is guilty of a misdemeanor.

4 B. If a clerk of the superior court knowingly issues a marriage
5 license to a male person under-the-age-of-twenty-one-years-or-to-a
6 female under the age of eighteen years without the consent in writing
7 of the parent or guardian lawfully entitled to give consent, such
8 clerk is guilty of a misdemeanor.

9 C. If any person solemnizing a marriage fails to make the
10 return of the marriage as required by law, such person is guilty of
11 a misdemeanor.

12 Sec. 10. Section 25-211, Arizona Revised Statutes, is amended
13 to read:

14 25-211. Property acquired during marriage as community
15 property; exceptions

16 A. All property acquired by either husband or wife during the
17 marriage, except that which is acquired by gift, devise or descent,
18 or earned by the wife and her minor children while she lives separate
19 and apart from her husband, is the community property of the husband
20 and wife.

21 ~~B.--During-coverture,-personal-property-may-be-disposed-of-by~~
22 ~~the-husband-only.~~

23 B. THE HUSBAND HAS THE MANAGEMENT AND CONTROL OF THE COMMUNITY
24 PERSONAL PROPERTY, EXCEPT THE EARNINGS OF THE WIFE FOR HER PERSONAL
25 SERVICES AND THE RENTS AND PROFITS OF HER SEPARATE ESTATE.

26 C. A WIFE MAY RECEIVE THE WAGES OF HER PERSONAL LABOR AND MAIN-
27 TAIN AN ACTION THEREFOR IN HER OWN NAME AND HOLD THE SAME IN HER OWN
28 RIGHT, AND SHE MAY PROSECUTE AND DEFEND ALL ACTIONS AT LAW FOR THE
29 PRESERVATION AND PROTECTION OF HER RIGHTS AND PROPERTY AS IF UNMARRIED.