



## CRIMINAL LAWS ADDRESSING FORCED MARRIAGE IN THE UNITED STATES

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### OVERVIEW

There are very few laws and policies in the United States that are specifically designed to help forced marriage victims, leaving individuals facing forced marriages with few resources and options. Although a number of states, as well as the District of Columbia and the US Virgin Islands, have statutes that criminalize forcing someone into marriage in certain circumstances, these laws seem designed for other purposes than to prevent parents from, or to punish parents for, forcing their children into marriage. Some newer state criminal statutes or amendments address forced marriage in the context of human trafficking<sup>1</sup>. The majority of state criminal statutes arise in the context of laws against abduction, prostitution, and/or “defilement,” and some were enacted close to a century ago. To the Tahirih Justice Center’s knowledge, no forced marriage prosecutions have ever been brought under these laws (against a parent or anyone else).<sup>2</sup>

The following states and territories have criminal statutes specifically on forced marriage:

- California
- District of Columbia
- Maryland
- Minnesota
- Mississippi
- Nevada
- Oklahoma
- Virginia
- Virgin Islands
- West Virginia

In situations where an individual facing forced marriage resides in a jurisdiction that already has a statute criminalizing the practice, the law (and subsequent penalties) could be an effective tool to prevent the marriage from occurring, help the victim receive assistance, and prosecute perpetrators.

**Note on Terminology:** *A forced marriage is one that takes place without the full and free consent of one or both parties, and typically involves an element of force, fraud, or coercion. It can happen to either gender, at any age. It may be a marriage that is threatened, or one that has already taken place, either in the United States or abroad.*

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The Tahirih Justice Center ([www.tahirih.org](http://www.tahirih.org)) is a national nonprofit organization that protects courageous immigrant women and girls refusing to be victims of violence, by providing holistic legal services and advocacy in courts, communities, and Congress. If you encounter a situation in which a woman has been threatened with a forced marriage, or forced into a marriage, please contact Tahirih at 571-282-6161 or [FMI@tahirih.org](mailto:FMI@tahirih.org).

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## California

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### BACKGROUND

<b>What is this law's citation?</b>	Cal. Penal § 265
<b>When did the law go into effect? And when was it last amended?</b>	1872; 1976
<b>Under what Chapter does this statute appear?</b>	Rape, Abduction, Carnal Abuse of Children, and Seduction

### SPECIFIC PROVISIONS

<b>What is the statutory language?</b>	Every person who takes any woman unlawfully, against her will, and by force, menace or duress, compels her to marry him, or to marry any other person, or to be defiled, is punishable by imprisonment in the state prison.
<b>Who does this law protect?</b>	Women only
<b>What are the penalties for violating the law?</b>	Imprisonment in state prison
<b>Could the law be applied to parents who have forced their child to marry?</b>	Unclear (The terms "takes" and "unlawfully" are not defined in the statute. In addition, use of the term "woman" likely means that a minor child is not protected.)
<b>Additional notes?</b>	1976 amendment deleted "not less than two nor more than fourteen years" following "state prison"

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## District of Columbia

### BACKGROUND

**What is this law's citation?** DC Code Ann. § 22-2705

**When did the law go into effect? And when was it last amended?** 1910; 2013

**Under what Chapter does this statute appear?** Prostitution; Pandering

### SPECIFIC PROVISIONS

**What is the statutory language?** (a) It is unlawful for any person, within the District of Columbia to:  
(3) Take or detain an individual against the individual's will, with intent to compel such individual by force, threats, menace, or duress to marry the abductor or to marry any other person.

**Who does this law protect?** Any person

**What are the penalties for violating the law?** A person shall be guilty of a felony and subject to:

- imprisonment for not more than 5 years;
- or a fine of "not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012," i.e., not more than \$12,500 for offenses punishable by imprisonment for 5 years or less but more than one year;
- or both.

If the victim is under 18 years of age, a person shall be guilty of a felony and subject to:

- imprisonment for not more than 20 years;
- or a fine of "not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012," i.e., not more than \$50,000 for offenses punishable by imprisonment for 20 years or less but more than 15 years;
- or both.

**Could the law be applied to parents who have forced their child to marry?** Yes

**Additional notes?** The "Criminal Fine Proportionality Amendment Act of 2012" effectively increased the possible criminal fines. Previously, the possible criminal fine was no more than \$5,000 if the victim was an adult, and no more than \$20,000 if the victim was under 18.

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## Maryland

### BACKGROUND

<b>What is this law's citation?</b>	Md. Code Ann., Crim. Code § 11-303
<b>When did the law go into effect? And when was it last amended?</b>	2002; non-forced marriage related amendment effective Oct. 1, 2013
<b>Under what Chapter does this statute appear?</b>	Prostitution and Related Crimes – Pandering (subsection on Human Trafficking)

### SPECIFIC PROVISIONS

<b>What is the statutory language?</b>	(b)(2) A person may not knowingly take or detain another with the intent to use force, threat, coercion, or fraud to compel the other to marry the person or a third person or perform a sexual act, sexual contact, or vaginal intercourse.
<b>Who does this law protect?</b>	Any person
<b>What are the penalties for violating the law?</b>	A person shall be guilty of the felony of human trafficking and subject to: <ul style="list-style-type: none"><li>• imprisonment not exceeding 25 years</li><li>• or a fine not exceeding \$15,000</li><li>• or both.</li></ul>
<b>Could the law be applied to parents who have forced their child to marry?</b>	Yes
<b>Additional notes?</b>	<p>The statute provides for the same penalties to be applied to a person who “knowingly aids, abets, or conspires with one or more persons” to violate any subsection of this section.</p> <p>The statute also provides that a person who violates the section can be “charged, tried and sentenced in any county in or through which the person transported or attempted to transport the other.”</p>

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## Minnesota

### BACKGROUND

**What is this law's citation?** Minn. Stat. Ann. § 609.265

**When did the law go into effect? And when was it last amended?** 1963; 1984

**Under what Chapter does this statute appear?** Abduction

### SPECIFIC PROVISIONS

**What is the statutory language?** Whoever, for the purpose of marriage, takes a person under the age of 18 years, without the consent of the parents, guardian, or other person having legal custody of such person is guilty of abduction and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000 or both.

**Who does this law protect?** Persons under the age of 18 (but only if they are taken without the consent of the parents, guardian, or other person having legal custody of such person).

**What are the penalties for violating the law?** A person is guilty of abduction and may be sentenced to:

- imprisonment for not more than one year
- or payment of a fine of not more than \$3,000
- or both.

**Could the law be applied to parents who have forced their child to marry?** No

**Additional notes?**

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## Mississippi

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### BACKGROUND

**What is this law's citation?** Miss. Code Ann. § 97-3-1

**When did the law go into effect? And when was it last amended?** 1980

**Under what Section does this statute appear?** Abduction for marriage or defilement

### SPECIFIC PROVISIONS

**What is the statutory language?** Every person who shall take any person over the age of fourteen (14) years unlawfully, against his or her will, and by force, menace, fraud, deceit, stratagem or duress, compel or induce him or her to marry such person or to marry any other person, or to be defiled, and shall be thereof duly convicted, shall be punished by imprisonment in the penitentiary not less than five (5) years and not more than fifteen (15) years.

**Who does this law protect?** Any person over the age of 14.

**What are the penalties for violating the law?** Imprisonment in the penitentiary not less than five (5) years and not more than fifteen (15) years.

**Could the law be applied to parents who have forced their child to marry?** Unclear (The terms "take" and "unlawfully" are not defined. In addition, use of the phrase "persons over the age of 14" may mean that persons under 14 are not protected).

**Additional notes?**

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## Nevada

### BACKGROUND

**What is this law's citation?** Nev. Rev. Stat. 201.300

**When did the law go into effect? And when was it last amended?** 1913; 2013 (Amendments effective July 1, 2013)

**Under what Chapter does this statute appear?** Crimes Against Public Decency and Good Morals – Pandering, Prostitution and Disorderly Houses  
(subsection on Sex Trafficking)

### SPECIFIC PROVISIONS

**What is the statutory language?** 2. A person:  
(a) Is guilty of sex trafficking if the person:  
...  
(4) Takes or detains a person with the intent to compel the person by force, violence, threats or duress to marry him or her or any other person.

**Who does this law protect?** Any person

**Could the law be applied to parents who have forced their child to marry?** Penalties depend on whether the victim was an adult or a child, and the age of the child at the time the offense was committed.

- If the victim of the sex trafficking is an adult:
  - the person is guilty of a category B felony;
  - shall be punished by 3-10 years' imprisonment in the state prison; and
  - may be fined not more than \$10,000.
- If the victim of the sex trafficking is a child under 14 years old:
  - the person is guilty of a category A felony;
  - shall be punished by imprisonment in the state prison for life with the possibility of parole (eligible only after serving 15 years); and
  - may be fined not more than \$20,000.
- If the victim of the sex trafficking is a child 14-16 years old:
  - the person is guilty of a category A felony;
  - shall be punished by imprisonment for life in the state prison with the possibility of parole (eligible only after serving 10 years); and
  - may be fined not more than \$10,000.

- If the victim of the sex trafficking is a child 16-18 years old:
  - the person is guilty of a category A felony;
  - shall be punished by imprisonment for life in the state prison with the possibility of parole (eligible only after serving 5 years); and
  - may be fined not more than \$10,000.

The court may impose an additional penalty for the primary offense – a fine of up to \$500,000 – where physical force or violence or the immediate threat of physical force or violence was used on a child (NV ST 201.352).

The statute prohibits probation or suspended sentences for anyone convicted of sex trafficking a child (i.e., would prohibit the same for anyone convicted under the forced marriage provision if the victim were a child).

**Could the law be applied to parents who have forced their child to marry?**

Yes

**Additional notes?**

The 2013 amendments:

- modified the language of forced marriage provision slightly;
- moved it from being a crime of “pandering” to a crime of “sex trafficking”;
- and significantly increased the penalties for all crimes of sex trafficking, especially any involving children and where physical force or violence or threats of violence were used.

A related statute also provides that even if any part of such act or acts are committed out of state, the offense can be deemed committed, and the offender tried and punished, in any county in which any overt act to further the offense was committed (NV ST 201.350)

## Oklahoma

### BACKGROUND

<b>What is this law's citation?</b>	Okla. Stat. Tit. 21 § 1117, §1118, and §1119
<b>When did the law go into effect? And when was it last amended?</b>	1910; 1999
<b>Under what Section does this statute appear?</b>	Rape, Abduction, Carnal Abuse of Children and Seduction

### SPECIFIC PROVISIONS

<b>What is the statutory language?</b>	<p><u>§1117, Compelling woman to marry:</u> Any person who takes any woman against her will, and by force, menace or duress, compels her to marry him or to marry any other person, shall be guilty of a felony punishable by imprisonment in the State Penitentiary not less than ten (10) years.</p> <p><u>§1118, Intent to compel woman to marry:</u> Any person who takes any woman unlawfully against her will, with the intent to compel her by force, menace or duress to marry him, or to marry any other person, shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding (10) years.</p> <p><u>§1119, Abduction of person under fifteen:</u> Every person who takes away or induces to leave any person under the age of fifteen (15) years, from a parent, guardian or other person having the legal charge of the person, without the consent of said parent, guardian, or other person having legal charge, for the purpose of marriage... shall be guilty of a felony punishable by imprisonment in the county jail not exceeding one (1) year, or by a fine not exceeding One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.</p>
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<b>Who does this law protect?</b>	§§1117-1118: Women only; §1119: Anyone under age 15, but only if the parents do not consent to the marriage.
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<b>What are the penalties for violating the law?</b>	All are felonies, punishable as follows: §1117: Imprisonment in the State Penitentiary not less than 10 years. §1118: Imprisonment in the State Penitentiary not exceeding 10 years. §1119: Imprisonment in the county jail not exceeding 1 year, or a fine not exceeding \$1000, or both
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<b>Could the law be applied to parents who have forced their child to marry?</b>	Yes
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**Additional notes?**

**Virginia**

**BACKGROUND**

**What is this law's citation?** Va. Code Ann. § 18.2-355

**When did the law go into effect? And when was it last amended?** 1975; 1997

**Under what Section does this statute appear?** Crimes Involving Morals and Decency - Sexual Offenses, Prostitution, Etc.

**SPECIFIC PROVISIONS**

**What is the statutory language?** Any person who:  
(2) Takes or detains a person against his or her will with the intent to compel such person, by force, threats, persuasions, menace or duress, to marry him or her or to marry any other person, or to be defiled [...] is guilty of pandering, and shall be guilty of a Class 4 felony.

**Who does this law protect?** Any person

**What are the penalties for violating the law?** A person is guilty of a Class 4 felony and subject to:

- Imprisonment of not less than two years nor more than 10 years
- and a fine of not more than \$100,000.

**Could the law be applied to parents who have forced their child to marry?** Yes

**Additional notes?**

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## Virgin Islands

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### BACKGROUND

**What is this law's citation?** 14 V.I. Code Ann. § 1301

**When did the law go into effect? And when was it last amended?** 1921

**Under what Chapter does this statute appear?** Marriage - Forcible marriage; defilement

### SPECIFIC PROVISIONS

**What is the statutory language?** Whoever takes any woman unlawfully, against her will, and by force, menace or duress, compels her-

- (1) to marry him;
- (2) to marry any other person; or
- (3) to be defiled-

Shall be imprisoned not more than 10 years.

**Who does this law protect?** Women only

**What are the penalties for violating the law?** Imprisonment for not more than 10 years.

**Could the law be applied to parents who have forced their child to marry?** Unclear (The terms "takes" and "unlawfully" are not defined in the statute. In addition, use of the term "woman" likely means that a minor child is not protected.)

**Additional notes?**

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## West Virginia

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### BACKGROUND

**What is this law's citation?** W. Va. Code, § 61-2-14

**When did the law go into effect? And when was it last amended?** 1882; 1984

**Under what Chapter does this statute appear?** Crimes and Their Punishment – Crimes Against the Person

### SPECIFIC PROVISIONS

**What is the statutory language?** (a) Any person who takes away another person, or detains another person against such person's will, with intent to marry or defile the person, or to cause the person to be married or defiled by another person; or takes away a child under the age of sixteen years from any person having lawful charge of such child, for the purpose of prostitution or concubinage, shall be guilty of a felony, and, upon conviction thereof, shall be confined in the penitentiary not less than three nor more than ten years.

**Who does this law protect?** Everyone

**What are the penalties for violating the law?** A felony conviction and imprisonment for not less than three nor more than ten years.

**Could the law be applied to parents who have forced their child to marry?** Yes

**Additional notes?**

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## ENDNOTES

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<sup>1</sup> In addition to anti-trafficking statutes that specifically address forced marriage, general anti-trafficking statutes could also conceivably apply to certain forced marriage cases, depending on the facts.

<sup>2</sup> In fact, at least one state, Michigan, in 2010 repealed its criminal statute (former MI ST 750.11) on "taking a woman and compelling her to marry", following the review and recommendation of the Prosecuting Attorneys Association of Michigan to repeal a number of outdated criminal statutes that were not being prosecuted. The supporting argument before the Michigan Senate Judiciary Committee was that "The actions reported in each of those crimes could be prosecuted as other offenses, perhaps even more easily, so taking them off the books would not mean that the prohibited activities would be legal. For instance, a person could be charged with kidnapping or sexual assault rather than with taking a woman and forcing her to marry, without having the burden of proving the additional elements of compelling the victim to marry or defiling her." See Committee Report at [www.legislature.mi.gov/documents/2009-2010/billanalysis/Senate/htm/2009-SFA-0760-A.htm](http://www.legislature.mi.gov/documents/2009-2010/billanalysis/Senate/htm/2009-SFA-0760-A.htm).