State legislative histories are considered an uncharted wasteland and generally something to be avoided. Two major improvements are beginning to change this viewpoint. States are posting more legislative materials on the web and Westlaw is integrating state legislative histories with code searching.

A legislative history can encompass two separate research problems: identifying the law that was in effect the year of your legal issue and clarifying the intent or the wording of a statute. This article demonstrates how to trace an older version of a law and the next issue will outline the resources used to decipher the intent of the Kentucky General Assembly.

KRS § 402.030, "Courts may declare certain marriages void" is the research example on how to locate the prior version of the law.

1. Reviewing the Current KRS

Always check the annotations to the KRS section, and, if possible, read both the Lexis [Michie] and Thompson-West [Banks Baldwin] compilations.

Take care when using the Legislative Research Commission's web-based version of the KRS, as the resource is unofficial and the history information is incomplete.

[http://www.lrc.state.ky.us/statrev/frontpg.htm]

Read the section of the law and any accompanying History, Editorial Notes and Commentary. The History section pinpoints prior laws affecting the code section. Note the information is in reverse chronological order. [See Below].

Baldwin's Kentucky Revised Statutes Annotated
Title XXXV. Domestic Relations Chapter 402. Marriage

402.030 Courts may declare certain marriages void

(1) Courts having general jurisdiction may declare void any marriage obtained by force or fraud.

(2) At the instance of any next friend, courts having general jurisdiction may declare any marriage void where the person was under eighteen (18) but over sixteen (16) years of age at the time of the marriage, and the marriage was without the consent required by KRS 402.020(1)(f) and has not been ratified by cohabitation after that age.

(3) At the instance of any next friend, courts having general jurisdiction may declare void any marriage where:

(a) The person was under sixteen (16) years of age at the time of the marriage;

(b) The marriage was not conducted with the permission of a District Judge, as required by KRS 402.020(1)(f), in the form of a written court order; and

(c) The marriage has not been ratified by cohabitation after the person reached eighteen (18) years of age.

HISTORY: 1998 c 122, § 2, eff. 3-26-98; 1998 c 258, § 5, eff. 7-15-98; 1988 c 212, § 2, eff. 7-15-88; 1976 ex s, c 14, § 400; 1974 c 386, § 91; 1960 c 8, § 2; 1942 c 208, § 1; KS 2100

Legislative Research Commission Note (7-15-98): This section was amended by 1998 Ky. Acts chs. 122 and 258 which do not appear to be in conflict and have been codified together.

The History section indicates the most recent legislation passed in 1998. 1998 c 122 § 2, eff. 3-26-98 reads as section 2 of Chapter 122 of the Kentucky Acts and the act is effective 3-26-98.
The statute section has been amended several times and traces back to the major revision of the KRS in 1942 and goes back even further to KS 2100 or § 2100 of Carroll’s Kentucky Statutes (1936). Carroll’s Kentucky Statutes indicates the law was first enacted as Chapter 205 § 5 of the Kentucky Acts of 1893. [Found in the law library].

2. Finding Kentucky Acts

The Chase Law Library has the Kentucky Acts in print format from 1812 to the present and the Kentucky Acts 1792 – 1898 as part of the Session laws of the American States and Territories microfiche series.

The Legislative Research Commission’s web site is now posting the Kentucky Acts on the web and includes 1998 to present. [http://www.lrc.state.ky.us/legresou/legres2.htm]

Westlaw links to the Kentucky Session Laws from the mid-1990’s to present. The links are included in the History section. [See Below].

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(2) At the instance of any next friend, courts having general jurisdiction may declare any marriage void where the person was under eighteen (18) but over sixteen (16) years of age at the time of the marriage, and the marriage was without the consent required by KRS 402.020(1)(d) and has not been ratified by cohabitation after that age.

(3) At the instance of any next friend, courts having general jurisdiction may declare void any marriage where:
   (a) The person was under sixteen (16) years of age at the time of the marriage;
   (b) The marriage was not conducted with the permission of a District Judge, as required by KRS 402.020(1)(d), in the form of a written court order; and
   (c) The marriage has not been ratified by cohabitation after the person reached eighteen (18) years of age.

HISTORY: 1998 c 122, § 2, eff. 7-15-98; 1998 c 258, § 5, eff. 7-15-98; 1988 c 212, § 2, eff. 7-15-88; 1989 c 14, § 10; 1974 c 386, § 1; 1960 c 9, § 2; 1942 c 209, § 1; KS 2100

Legislative Research Commission Note (7-15-98): This section was amended by 1998 Ky. Acts chs. 122 and 258 which do not appear to be in conflict and have been codified together.

3. Using Replacement Volumes and Historic Versions of the KRS

Replacement Volumes
The Chase Law Library retains former print volumes of the Michie version of KRS in Closed Stacks. You can look at the front of the current volume and locate the copyright dates or the publication dates for the volume dating back to the beginning of the Michie edition in 1972. The library also has the Michie’s KRS superseded volumes and pocket parts in microfiche.

Historic Versions of the KRS
The Chase Law Library has a historic collection of the annotated codes for Kentucky dating back to 1860. The current KRS and superseded codes are all shelved together in the Kentucky section of the library.

Westlaw offers a combined folder of “Kentucky Historic Statutes Annotated” and the information extends back to 1986.

The next article or part two will build on your knowledge of tracing the history of a law and focus on locating documents used in interpreting legislative intent.
REMEMBER: The Reference Staff can help you find your way through this maze if you are still reluctant to tackle legislative histories.