4/18 6:15P

Chapter No. 431
12/SS01/R1021
IN /TB/EC

SENATE BILL NO. 2851

Originated in Senate Liz Welch Secretary

SENATE BILL NO. 2851

AN ACT TO AMEND SECTION 93-1-5, MISSISSIPPI CODE OF 1972, TO ELIMINATE THE 3-DAY WAITING PERIOD FOR A MARRIAGE LICENSE AND TO DELETE THE REQUIREMENT FOR A BLOOD TEST FOR SYPHILIS; TO REPEAL SECTION 93-1-7, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE RIGHT TO CONTEST THE ISSUANCE OF A MARRIAGE LICENSE BY ANY INTERESTED PARTY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 93-1-5, Mississippi Code of 1972, is amended as follows:

93-1-5. (1) Every male who is at least seventeen (17) years old and every female who is at least fifteen (15) years old shall be capable in law of contracting marriage. However, males and females under the age twenty-one (21) years must furnish the circuit clerk satisfactory evidence of consent to the marriage by the parents or guardians of the parties. It shall be unlawful for the circuit court clerk to issue a marriage license until the following conditions precedent have been complied with:

(a) * * * Application for the license is to be made in writing to the clerk of the circuit court of any county in the State of Mississippi. The application shall be sworn to by both applicants * * * and shall include:

(i) The names, ages and addresses of the parties applying;

(ii) The names and addresses of the parents of the applicants, and, for applicants under the age of twenty-one (21), if no parents, then names and addresses of the guardian or next of kin;

(iii) The signatures of witnesses; and

(iv) Any other data that may be required by law or the State Board of Health. * * *

(b) Proof of age shall be presented to the circuit court clerk in the form of either a birth certificate, baptismal record, armed service discharge, armed service identification card, life insurance policy, insurance certificate, school record, driver's license, or other official document evidencing age. The document substantiating age and date of birth shall be examined by the circuit court clerk before whom application is made, and the circuit court clerk shall retain in his file with the application the document or a certified or photostatic copy of the document.

(c) Applicants under the age of twenty-one (21) must submit affidavits showing the age of both applying parties * * * made by either the father, mother, guardian or next of kin of each of the contracting parties and filed with the clerk of the circuit court along with the application * * *.

(d) * * * If the male applicant is under seventeen (17) years of age or the female is under fifteen (15) years of age * * *, and satisfactory proof is furnished to the judge of any circuit, chancery or county court 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 and by written instrument authorize the clerk of the court to issue the marriage license to the parties if they are otherwise qualified by law. Authorization shall be a part of the confidential files of the clerk of the court, subject to inspection only by written permission of the judge.

* * *

(e) In no event shall a license be issued by the circuit court clerk when it appears to the circuit court clerk that the applicants are, or either of them is: * * *

(i) Intoxicated; or

(ii) Suffering from a mental illness or an intellectual disability to the extent that the clerk believes that the person does not understand the nature and consequences of the application for a marriage license.

(2) Any circuit clerk shall be liable under his official bond because of noncompliance with the provisions of this section.

(3) Any circuit court clerk who issues a marriage license without complying with the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than Fifty Dollars ($50.00) and not more than Five Hundred Dollars ($500.00).

SECTION 2. Section 93-1-7, Mississippi Code of 1972, which provides for the right to contest the issuance of a marriage license by any interested party, is repealed.

SECTION 3. This act shall take effect and be in force from and after July 1, 2012.

PASSED BY THE SENATE
March 13, 2012

Tate Reeves

PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
April 4, 2012

Philip Gunn

SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

Phil Bryant

GOVERNOR

6:15 pm