

By: Senator(s) Jordan (18th)

To: Judiciary

SENATE BILL NO. 2868

1 AN ACT TO AMEND SECTION 93-1-5, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE AGE OF MARRIAGE WITHOUT PARENTAL CONSENT; AND FOR
3 RELATED PURPOSES. BE IT ENACTED BY THE LEGISLATURE OF THE STATE
4 OF MISSISSIPPI:

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

8 93-1-5. It shall be unlawful for the circuit court clerk to
9 issue a marriage license until the following conditions precedent
10 have been complied with:

11 (a) Parties desiring a marriage license shall make
12 application therefor in writing to the clerk of the circuit court
13 of any county in the State of Mississippi; provided, however, that
14 if the female applicant shall be under the age of twenty-one (21)
15 years and shall be a resident of the State of Mississippi, said
16 application shall be made to the circuit court clerk of the county
17 of residence of such female applicant. Said application shall be
18 forthwith filed with the circuit court clerk and shall include the
19 names, ages and addresses of the parties applying; the names and
20 addresses of the parents of the parties applying, and if no
21 parents, then names and addresses of the guardian or next of kin;
22 the signatures of witnesses; and any other data which may be
23 required by law or the Mississippi State Board of Health. The
24 application shall be sworn to by both applicants.

25 (b) The application shall remain on file, open to the
26 public, in the office of the circuit court clerk for a period of
27 three (3) days before the clerk is authorized to issue the

28 marriage license. Provided, however, that if satisfactory proof
29 is furnished to the judge of any circuit, chancery or county court
30 that sufficient reasons exist, then the judge of any such court in
31 the judicial district where either of such parties resides if they
32 be over the age of twenty-one (21) years, or where the female
33 resides if she be under the age of twenty-one (21), may waive the
34 three-day waiting period and by written instrument authorize the
35 clerk of the court to issue the marriage license to the parties if
36 they are otherwise qualified by law. Authorization shall be a
37 part of the confidential files of the clerk of the court, subject
38 to inspection only by written permission of the judge. If either
39 of the applying parties appears from the evidence to be under
40 eighteen (18) years of age, the circuit court clerk, immediately
41 upon filing the application, shall * * * require the father,
42 mother, guardian or next of kin to appear and file an affidavit
43 showing the age of both applying parties * * *; or in lieu
44 thereof, said both applying parties shall appear in person before
45 the circuit court clerk and make and subscribe an oath in person,
46 which said affidavit shall be attached to and noted on the
47 application for the marriage license. In addition to either of
48 the previous conditions stated, further proof of age shall be
49 presented to the circuit court clerk in the form of either a birth
50 certificate, baptismal record, armed service discharge, armed
51 service identification card, life insurance policy, insurance
52 certificate, school record, driver's license, or other official
53 document evidencing age. Said document substantiating age and
54 date of birth shall be examined by the circuit court clerk before
55 whom application is made, and the circuit court clerk shall retain
56 in his file with the application such document or a certified or
57 photostatic copy thereof.

58 (d) The clerk shall not issue a marriage license under
59 the provisions of this section unless the male applicant is at
60 least seventeen (17) years of age, and the female is at least
61 fifteen (15) years of age; provided, however, that if satisfactory
62 proof is furnished to the judge of any circuit, chancery or county
63 court that sufficient reasons exist and that said parties desire
64 to be married to each other and that the parents or other person

65 in loco parentis of the person or persons so under age consent
66 thereto, then the judge of any such court in the county where
67 either of such parties resides may waive the minimum age
68 requirement and by written instrument authorize the clerk of the
69 court to issue the marriage license to the parties if they are
70 otherwise qualified by law. Authorization shall be a part of the
71 confidential files of the clerk of the court, subject to
72 inspection only by written permission of the judge.

73 (e) A medical certificate dated within thirty (30) days
74 prior to the application shall be presented to the circuit court
75 clerk showing that the applicant is free from syphilis, as nearly
76 as can be determined by a blood test performed in a laboratory
77 approved by the State Board of Health. The medical certificate
78 may be obtained through the local health department by the
79 applicant or applicants, or it may be obtained through any private
80 laboratory approved by the State Board of Health. Said medical
81 certificate shall be examined by the circuit court clerk and filed
82 in a permanent file kept by the clerk for this purpose.

83 (f) In no event shall a license be issued by the
84 circuit court clerk when it appears to the circuit court clerk
85 that the applicants are, or either of them is, drunk, insane or an
86 imbecile.

87 Any circuit clerk shall be liable under his official bond
88 because of noncompliance with the provisions of this section.

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

94 SECTION 2. This act shall take effect and be in force from
95 and after July 1, 1999.