

By: Representative Cummings

To: Judiciary A

HOUSE BILL NO. 807  
(As Passed the House)

1 AN ACT TO AMEND SECTION 93-1-5, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE WAITING PERIOD AND DELETE BLOOD TEST REQUIREMENTS FROM  
3 THE CONDITIONS PRECEDENT TO THE ISSUANCE OF A MARRIAGE LICENSE;  
4 AND FOR RELATED PURPOSES.

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

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. The application  
25 may be taken by telephone, facsimile, e-mail or in person.

26 (b) The application shall remain on file, open to the  
27 public, in the office of the circuit court clerk until the next



28 business day before the clerk is authorized to issue the marriage  
29 license. \* \* \*

30 (c) An affidavit showing the age of both applying  
31 parties shall be made by either the father, mother, guardian or  
32 next of kin of each of the contracting parties and filed with the  
33 clerk of the circuit court along with the application; or in lieu  
34 thereof, said both applying parties shall appear in person before  
35 the circuit court clerk and make and subscribe an oath in person,  
36 which said affidavit shall be attached to and noted on the  
37 application for the marriage license. In addition to either of  
38 the previous conditions stated, further proof of age shall be  
39 presented to the circuit court clerk in the form of either a birth  
40 certificate, baptismal record, armed service discharge, armed  
41 service identification card, life insurance policy, insurance  
42 certificate, school record, driver's license, or other official  
43 document evidencing age. Said document substantiating age and  
44 date of birth shall be examined by the circuit court clerk before  
45 whom application is made, and the circuit court clerk shall retain  
46 in his file with the application such document or a certified or  
47 photostatic copy thereof.

48 (d) The clerk shall not issue a marriage license under  
49 the provisions of this section unless the male applicant is at  
50 least seventeen (17) years of age, and the female is at least  
51 fifteen (15) years of age; provided, however, that if satisfactory  
52 proof is furnished to the judge of any circuit, chancery or county  
53 court that sufficient reasons exist and that said parties desire  
54 to be married to each other and that the parents or other person  
55 in loco parentis of the person or persons so under age consent  
56 thereto, on a notarized statement, then the judge of any such  
57 court in the county where either of such parties resides may waive  
58 the minimum age requirement and by written instrument authorize  
59 the clerk of the court to issue the marriage license to the  
60 parties if they are otherwise qualified by law. Authorization



61 shall be a part of the confidential files of the clerk of the  
62 court, subject to inspection only by written permission of the  
63 judge.

64 \* \* \*

65 (e) In no event shall a license be issued by the  
66 circuit court clerk when it appears to the circuit court clerk  
67 that the applicants are, or either of them is, drunk, insane or an  
68 imbecile.

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

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

76 **SECTION 2.** This act shall take effect and be in force from  
77 and after July 1, 2003.

