

## **Senate Amendments to House Bill No. 928**

**TO THE CLERK OF THE HOUSE:**

**THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:**

### **AMENDMENT NO. 1**

**Amend by striking all after the enacting clause and inserting in lieu thereof the following:**

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

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

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

(b) The application shall remain on file, open to the public, in the office of the circuit court clerk for a period of three (3) days before the clerk is authorized to issue the marriage license. Provided, however, that if satisfactory proof is furnished to the judge of any circuit, chancery or county court that sufficient reasons exist, then the judge of any such court in the judicial district where either of such parties resides if they

33 be over the age of twenty-one (21) years, or where the female  
34 resides if she be under the age of twenty-one (21), may waive the  
35 three-day waiting period and by written instrument authorize the  
36 clerk of the court to issue the marriage license to the parties if  
37 they are otherwise qualified by law. Authorization shall be a  
38 part of the confidential files of the clerk of the court, subject  
39 to inspection only by written permission of the judge. If either  
40 of the applying parties appears from the evidence to be under  
41 twenty-one (21) years of age, the circuit court clerk must require  
42 the consent of the mother or father or guardian of such minor to  
43 the marriage, to be given either personally or in writing, and, if  
44 the latter, the execution thereof must be proved. In the event  
45 the parents were never married and no custodial order was entered  
46 by a court of competent jurisdiction, consent of the mother is  
47 required.

48 (c) An affidavit showing the age of both applying  
49 parties shall be made by either the father, mother, guardian or  
50 next of kin of each of the contracting parties and filed with the  
51 clerk of the circuit court along with the application; or in lieu  
52 thereof, said both applying parties shall appear in person before  
53 the circuit court clerk and make and subscribe an oath in person,  
54 which said affidavit shall be attached to and noted on the  
55 application for the marriage license. In addition to either of  
56 the previous conditions stated, further proof of age shall be  
57 presented to the circuit court clerk in the form of either a birth  
58 certificate, baptismal record, armed service discharge, armed  
59 service identification card, life insurance policy, insurance  
60 certificate, school record, driver's license, or other official  
61 document evidencing age. Said document substantiating age and  
62 date of birth shall be examined by the circuit court clerk before  
63 whom application is made, and the circuit court clerk shall retain  
64 in his file with the application such document or a certified or  
65 photostatic copy thereof for a period of two (2) years.  
66 Documentation presented to the circuit clerk as proof of age must  
67 be in an acceptable format that can be understood by the clerk.

68 In the cases where an interpreter must be retained, the cost of  
69 the interpreter will be borne by the applicants. In lieu of a  
70 personal appearance by an interpreter, a notarized statement may  
71 be provided to the circuit clerk.

72 (d) The clerk shall not issue a marriage license under  
73 the provisions of this section unless the male applicant is at  
74 least seventeen (17) years of age, and the female is at least  
75 fifteen (15) years of age; provided, however, that if satisfactory  
76 proof is furnished to the judge of any circuit, chancery or county  
77 court that sufficient reasons exist and that said parties desire  
78 to be married to each other and that the parents or other person  
79 in loco parentis of the person or persons so under age consent  
80 thereto, then the judge of any such court in the county where  
81 either of such parties resides may waive the minimum age  
82 requirement and by written instrument authorize the clerk of the  
83 court to issue the marriage license to the parties if they are  
84 otherwise qualified by law. Authorization shall be a part of the  
85 confidential files of the clerk of the court, subject to  
86 inspection only by written permission of the judge.

87 (e) A medical certificate dated within thirty (30) days  
88 prior to the application shall be presented to the circuit court  
89 clerk showing that the applicant is free from syphilis, as nearly  
90 as can be determined by a blood test performed in a laboratory  
91 approved by the State Board of Health. The medical certificate  
92 may be obtained through the local health department by the  
93 applicant or applicants, or it may be obtained through any private  
94 laboratory approved by the State Board of Health. Said medical  
95 certificate shall be examined by the circuit court clerk, who  
96 shall retain the record for a period of two (2) years.

97 (f) In no event shall a license be issued by the  
98 circuit court clerk when it appears to the circuit court clerk  
99 that the applicants are, or either of them is, drunk. If a person  
100 appears to the circuit clerk to be either insane or an imbecile,  
101 the clerk shall inquire of the father, mother, guardian or next of  
102 kin of each of the contracting parties as to the applicant's

condition and upon this verification of fact, the clerk will make the decision as to the issuance of the license. If a verification of applicant's mental status cannot be obtained, a license shall not be issued.

(g) Any license issued under the provisions of this section shall be invalid if the marriage for which it was issued has not been solemnized within sixty (60) days from the date of issuance. No person now or hereafter authorized by law to solemnize marriages shall perform any ceremony or solemnize any marriage if the license issued for such marriage has become invalid. Said license shall be stamped or printed upon it the words: "This license is void after sixty (60) days unless the marriage is solemnized within said time."

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

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 protest against issuance of a marriage license, is repealed.

**SECTION 3.** This act shall take effect and be in force from and after July 1, 2004.

SS02\HB928A.J

John O. Gilbert  
Secretary of the Senate