

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 928

BY: Committee

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

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

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

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

26 (b) The application shall remain on file, open to the
27 public, in the office of the circuit court clerk for a period of
28 three (3) days before the clerk is authorized to issue the
29 marriage license. Provided, however, that if satisfactory proof
30 is furnished to the judge of any circuit, chancery or county court
31 that sufficient reasons exist, then the judge of any such court in
32 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
103 condition and upon this verification of fact, the clerk will make
104 the decision as to the issuance of the license. If a verification
105 of applicant's mental status cannot be obtained, a license shall
106 not be issued.

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

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

118 Any circuit court clerk who issues a marriage license without
119 complying with the provisions of this section shall be guilty of a
120 misdemeanor, and upon conviction shall be punished by a fine of

121 not less than Fifty Dollars (\$50.00) and not more than Five
122 Hundred Dollars (\$500.00).

123 **SECTION 2.** Section 93-1-7, Mississippi Code of 1972, which
124 provides for protest against issuance of a marriage license, is
125 repealed.

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