

By: Representatives Cummings, Peranich,  
Coleman (29th), Miles, Montgomery, Ward

To: Judiciary A

HOUSE BILL NO. 886

1 AN ACT TO AMEND SECTION 93-1-5, MISSISSIPPI CODE OF 1972, TO  
2 REVISE CONDITIONS PRECEDENT TO THE ISSUANCE OF A MARRIAGE LICENSE;  
3 TO REPEAL SECTION 93-1-7, MISSISSIPPI CODE OF 1972, WHICH PROVIDES  
4 FOR PROTEST AGAINST ISSUANCE OF A MARRIAGE LICENSE; TO PROHIBIT  
5 WEDDING CHAPELS IN FACILITIES LICENSED BY THE MISSISSIPPI GAMING  
6 COMMISSION; AND FOR RELATED PURPOSES.

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

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

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

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

27 (b) \* \* \* The circuit court clerk shall issue the  
28 marriage license at the time the application is submitted. If  
29 either of the applying parties appears from the evidence to be

30 under twenty-one (21) years of age, the circuit court clerk must  
31 require the consent of the mother or father or guardian of such  
32 minor to the marriage, to be given either personally or in  
33 writing, and, if the latter, the execution thereof must be proved.  
34 In the event the parents are divorced or never married, consent of  
35 the parent or legal guardian having legal custody in accordance  
36 with an existing custody order is required.

37 (c) An affidavit showing the age of both applying  
38 parties shall be made by either the father, mother, guardian or  
39 next of kin of each of the contracting parties and filed with the  
40 clerk of the circuit court along with the application; or in lieu  
41 thereof, said both applying parties shall appear in person before  
42 the circuit court clerk and make and subscribe an oath in person,  
43 which said affidavit shall be attached to and noted on the  
44 application for the marriage license. In addition to either of  
45 the previous conditions stated, further proof of age shall be  
46 presented to the circuit court clerk in the form of either a birth  
47 certificate, baptismal record, armed service discharge, armed  
48 service identification card, life insurance policy, insurance  
49 certificate, school record, driver's license, or other official  
50 document evidencing age. Said document substantiating age and  
51 date of birth shall be examined by the circuit court clerk before  
52 whom application is made, and the circuit court clerk shall retain  
53 in his file with the application such document or a certified or  
54 photostatic copy thereof for a period of one (1) year.

55 Documentation presented to the circuit clerk as proof of age must  
56 be in an acceptable format that can be understood by the clerk.  
57 In the cases where an interpreter must be retained, the cost of  
58 the interpreter will be borne by the applicants. In lieu of a  
59 personal appearance by an interpreter, a notarized statement may  
60 be provided to the circuit clerk.

61 (d) The clerk shall not issue a marriage license under  
62 the provisions of this section unless the male applicant is at

63 least seventeen (17) years of age, and the female is at least  
64 fifteen (15) years of age; provided, however, that if satisfactory  
65 proof is furnished to the judge of any circuit, chancery or county  
66 court that sufficient reasons exist and that said parties desire  
67 to be married to each other and that the parents or other person  
68 in loco parentis of the person or persons so under age consent  
69 thereto, then the judge of any such court in the county where  
70 either of such parties resides may waive the minimum age  
71 requirement and by written instrument authorize the clerk of the  
72 court to issue the marriage license to the parties if they are  
73 otherwise qualified by law. Authorization shall be a part of the  
74 confidential files of the clerk of the court, subject to  
75 inspection only by written permission of the judge.

76 \* \* \*

77 (e) In no event shall a license be issued by the  
78 circuit court clerk when it appears to the circuit court clerk  
79 that the applicants are, or either of them is, drunk. If a person  
80 appears to the circuit clerk to be either insane or an imbecile,  
81 the clerk shall inquire of the father, mother, guardian or next of  
82 kin of each of the contracting parties as to the applicants  
83 condition and upon this verification of fact, the clerk will make  
84 the decision as to the issuance of the license. If a verification  
85 of applicant's mental status cannot be obtained, a license shall  
86 not be issued.

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

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

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

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

106 **SECTION 3.** There shall be no wedding chapels established by  
107 any facility licensed by the Mississippi Gaming Commission.

108 **SECTION 4.** This act shall take effect and be in force from  
109 and after July 1, 2005.