

By: Representative Cummings

To: Judiciary A

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 300

1 AN ACT TO AMEND SECTION 93-1-5, MISSISSIPPI CODE OF 1972, TO
2 REMOVE THE THREE-DAY WAITING PERIOD AND BLOOD TEST REQUIREMENTS
3 FOR MARRIAGES; TO REVISE THE AGE REQUIREMENTS FOR A MARRIAGE
4 LICENSE; 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 eighteen (18)
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) * * * If either of the applying parties appears
26 from the evidence to be under eighteen (18) years of age, the
27 circuit court clerk, immediately upon filing the application,
28 shall cause notice of the filing of said application to be sent by

29 prepaid certified mail to the father, mother, guardian or next of
30 kin of both applying parties at the address named in said
31 application.

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

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

62 otherwise qualified by law. Authorization shall be a part of the
63 confidential files of the clerk of the court, subject to
64 inspection only by written permission of the judge.

65 * * *

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

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

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

77 **SECTION 2.** This act shall take effect and be in force from
78 and after July 1, 2006.