

By: Senator(s) Sojourner

To: Judiciary, Division A

SENATE BILL NO. 2851

1 AN ACT TO AMEND SECTION 93-1-5, MISSISSIPPI CODE OF 1972, TO
2 ELIMINATE THE 3-DAY WAITING PERIOD FOR A MARRIAGE LICENSE AND TO
3 DELETE THE REQUIREMENT FOR A BLOOD TEST FOR SYPHILIS; TO REPEAL
4 SECTION 93-1-7, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE
5 RIGHT TO CONTEST THE ISSUANCE OF A MARRIAGE LICENSE BY ANY
6 INTERESTED PARTY; 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. (1) Every male who is at least seventeen (17) years
11 old and every female who is at least fifteen (15) years old shall
12 be capable in law of contracting marriage. However, males and
13 females under the age twenty-one (21) years must furnish the
14 circuit clerk satisfactory evidence of consent to the marriage by
15 the parents or guardians of the parties. It shall be unlawful for
16 the circuit court clerk to issue a marriage license until the
17 following conditions precedent have been complied with:

18 (a) * * * Application for the license is to be made in
19 writing to the clerk of the circuit court of any county in the
20 State of Mississippi. The application shall be sworn to by both
21 applicants * * * and shall include:

22 (i) The names, ages and addresses of the parties
23 applying;

24 (ii) The names and addresses of the parents of the
25 applicants, and, for applicants under the age of twenty-one (21),
26 if no parents, then names and addresses of the guardian or next of
27 kin;

28 (iii) The signatures of witnesses; and



29 (iv) Any other data that may be required by law or
30 the State Board of Health. * * *

31 (b) Proof of age shall be presented to the circuit
32 court clerk in the form of either a birth certificate, baptismal
33 record, armed service discharge, armed service identification
34 card, life insurance policy, insurance certificate, school record,
35 driver's license, or other official document evidencing age. The
36 document substantiating age and date of birth shall be examined by
37 the circuit court clerk before whom application is made, and the
38 circuit court clerk shall retain in his file with the application
39 the document or a certified or photostatic copy of the document.

40 (c) Applicants under the age of twenty-one (21) must
41 submit affidavits showing the age of both applying parties * * *
42 made by either the father, mother, guardian or next of kin of each
43 of the contracting parties and filed with the clerk of the circuit
44 court along with the application * * *.

45 (d) * * * If the male applicant is under seventeen (17)
46 years of age or the female is under fifteen (15) years of
47 age * * *, and satisfactory proof is furnished to the judge of any
48 circuit, chancery or county court that sufficient reasons exist
49 and that the parties desire to be married to each other and that
50 the parents or other person in loco parentis of the person or
51 persons so under age consent to the marriage, then the judge of
52 any such court in the county where either of the parties resides
53 may waive the minimum age requirement and by written instrument
54 authorize the clerk of the court to issue the marriage license to
55 the parties if they are otherwise qualified by law. Authorization
56 shall be a part of the confidential files of the clerk of the
57 court, subject to inspection only by written permission of the
58 judge.

59 * * *



60 (e) In no event shall a license be issued by the
61 circuit court clerk when it appears to the circuit court clerk
62 that the applicants are, or either of them is: * * *

63 (i) Intoxicated; or

64 (ii) Suffering from a mental illness or an
65 intellectual disability to the extent that the clerk believes that
66 the person does not understand the nature and consequences of the
67 application for a marriage license.

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

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

75 **SECTION 2.** Section 93-1-7, Mississippi Code of 1972, which
76 provides for the right to contest the issuance of a marriage
77 license by any interested party, is repealed.

78 **SECTION 3.** This act shall take effect and be in force from
79 and after July 1, 2012.

