

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.