

By: Representative Yates

To: Judiciary A

HOUSE BILL NO. 1221

1 AN ACT TO AMEND SECTION 93-1-5, MISSISSIPPI CODE OF 1972, TO  
2 INCREASE THE AGE OF FEMALE MARITAL CONSENT TO EQUAL THAT OF MALE  
3 MARITAL CONSENT FOR THE PROVISIONS OF LAW REGULATING MARRIAGE  
4 LICENSES; 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. (1) Every male who is at least seventeen (17) years  
9 old and every female who is at least \* \* \* seventeen (17) years  
10 old shall be capable in law of contracting marriage. However,  
11 males and females under the age of twenty-one (21) years must  
12 furnish the circuit clerk satisfactory evidence of consent to the  
13 marriage by the parents or guardians of the parties. It shall be  
14 unlawful for the circuit court clerk to issue a marriage license  
15 until the following conditions precedent have been complied with:

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



20 (i) The names, ages and addresses of the parties  
21 applying;

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

26 (iii) The signatures of witnesses; and

27 (iv) Any other data that may be required by law or  
28 the State Board of Health.

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

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



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

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

60 (i) Intoxicated; or

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

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

67 (3) Any circuit court clerk who issues a marriage license  
68 without complying with the provisions of this section shall be



69 guilty of a misdemeanor and, upon conviction, shall be punished by  
70 a fine of not less than Fifty Dollars (\$50.00) and not more than  
71 Five Hundred Dollars (\$500.00).

72           **SECTION 2.** This act shall take effect and be in force from  
73 and after July 1, 2024.

