



HOUSE BILL No. 5985

December 7, 1994, Introduced by Rep Schroer and referred to the Committee on Judiciary

A bill to amend section 2 of chapter 83 of the Revised Statutes of 1846, entitled "Of marriage and the solemnization thereof" being section 551 2 of the Michigan Compiled Laws and to repeal certain parts of the act

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Section 2 of chapter 83 of the Revised Statutes
2 of 1846, being section 551 2 of the Michigan Compiled Laws is
3 amended to read as follows

4 Sec 2 Marriage, so far as its validity in law is con-
5 cerned, is a civil contract, to which the consent of parties
6 capable in law of contracting is essential A PARTY HAS THE
7 MENTAL CAPACITY TO CONSENT TO MARRIAGE IF HE OR SHE UNDERSTANDS
8 THE NATURE OF THE MARRIAGE RELATIONSHIP AND THE DUTIES AND
9 RESPONSIBILITIES OF THAT RELATIONSHIP A PERSON IS PRESUMED TO

1 HAVE THE MENTAL CAPACITY TO ENTER INTO A MARRIAGE CONTRACT EXCEPT
 2 FOR A PERSON FOR WHOM A GUARDIAN HAS BEEN APPOINTED BY THE PRO-
 3 BATE COURT PURSUANT TO CHAPTER 6 OF THE MENTAL HEALTH CODE ACT
 4 NO 258 OF THE PUBLIC ACTS OF 1974 BEING SECTIONS 330 1600 TO
 5 330 1644 OF THE MICHIGAN COMPILED LAWS, OR ARTICLE 4 OF THE
 6 REVISED PROBATE CODE, ACT NO 642 OF THE PUBLIC ACTS OF 1978,
 7 BEING SECTIONS 700 401 TO 700 499 OF THE MICHIGAN COMPILED LAWS
 8 BUT ONLY IF THERE HAS BEEN A SPECIFIC FINDING BY THE PROBATE
 9 COURT THAT THE PERSON LACKS THE CAPACITY TO ENTER INTO A MARRIAGE
 10 CONTRACT Consent alone will not be enough to effectuate a legal
 11 marriage from and after January 1, 1957 Consent must be fol-
 12 lowed by the issuance of a license ~~as provided for by~~ PURSUANT
 13 TO section 1 of Act No 128 of the Public Acts of 1887 as
 14 amended being section 551 101 of the MICHIGAN Compiled Laws ~~of~~
 15 ~~1948,~~ or ~~as provided for by~~ section 1 of Act No 180 of the
 16 Public Acts of 1897, as amended, being section 551 201 of the
 17 MICHIGAN Compiled Laws, ~~of 1948,~~ and solemnization as autho-
 18 rized by sections 7 to 18 ~~, inclusive, of this act~~
 19 Section 2 Section 6 of chapter 83 of the Revised Statutes
 20 of 1846, being section 551 6 of the Michigan Compiled Laws, is
 21 repealed