



# SENATE BILL No. 322

February 2, 1993, Introduced by Senator EHLERS and referred to the Committee on Family Law, Criminal Law, and Corrections.

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  
5 330.1642 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21 repealed.