



HOUSE BILL No. 4185

January 30, 1995, Introduced by Rep. Schroer and referred to the Committee on Judiciary and Civil Rights.

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 acts and parts of acts.

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. (1) 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. Consent alone
7 ~~will not be enough~~ IS NOT SUFFICIENT to effectuate a legal
8 marriage. ~~from and after January 1, 1957.~~ Consent must be
9 followed by the issuance of a license as provided ~~for by~~ IN

1 section 1 of Act No. 128 of the Public Acts of 1887, ~~as~~
2 ~~amended,~~ being section 551.101 of the MICHIGAN Compiled Laws,
3 ~~of 1948,~~ or ~~as provided for by~~ IN section 1 of Act No. 180 of
4 the Public Acts of 1897, ~~as amended,~~ being section 551.201 of
5 the MICHIGAN Compiled Laws, ~~of 1948,~~ and BY solemnization ~~—~~
6 as authorized by sections 7 to 18 ~~, inclusive, of this act~~ OF
7 THIS CHAPTER.

8 (2) AN INDIVIDUAL HAS THE MENTAL CAPACITY TO CONSENT TO MAR-
9 RIAGE IF THE INDIVIDUAL UNDERSTANDS THE NATURE OF THE MARRIAGE
10 RELATIONSHIP AND THE DUTIES AND RESPONSIBILITIES OF THAT
11 RELATIONSHIP. AN INDIVIDUAL IS PRESUMED TO HAVE THE MENTAL
12 CAPACITY TO CONSENT TO MARRIAGE UNLESS THE INDIVIDUAL HAS A
13 GUARDIAN APPOINTED UNDER THE MENTAL HEALTH CODE, ACT NO. 258 OF
14 THE PUBLIC ACTS OF 1974, BEING SECTIONS 330.1001 TO 330.2106 OF
15 THE MICHIGAN COMPILED LAWS, OR UNDER THE REVISED PROBATE CODE,
16 ACT NO. 642 OF THE PUBLIC ACTS OF 1978, BEING SECTIONS 700.1 TO
17 700.993 OF THE MICHIGAN COMPILED LAWS, AND THERE IS A SPECIFIC
18 FINDING THAT THE INDIVIDUAL LACKS THE MENTAL CAPACITY TO CONSENT
19 TO MARRIAGE.

20 Section 2. Section 6 of chapter 83 of the Revised Statutes
21 of 1846, being section 551.6 of the Michigan Compiled Laws, is
22 repealed.