
Senate Fiscal Agency
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**BILL ANALYSIS**

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Senate Bill 67 (as reported without amendment)
Sponsor: Senator Bev Hammerstrom
Committee: Families, Mental Health and Human Services

CONTENT

The bill would amend Chapter 83 of the Revised Statutes of 1846, which regulates marriage, to repeal Section 6 of that chapter. That section provides criminal penalties for people with certain mental disabilities or venereal diseases who get married, and for people who marry mentally disabled individuals. Section 6 also validates certain interracial marriages.

Section 6 provides that an "insane person, idiot, or person who has been afflicted with syphilis or gonorrhea and has not been cured" is not capable of marriage. Under Section 6, it is a felony punishable by a fine of not less than \$500 or more than \$1,000 and/or up to five years' imprisonment for a person who has syphilis or gonorrhea to marry.

Section 6 also specifies that a "person who has been confined in any public institution or asylum as a feeble-minded, imbecile or insane patient, or who has been adjudged insane, feeble-minded or an imbecile" is not capable of contracting marriage without first filing with the county clerk a verified certificate from two physicians licensed in Michigan stating that the person has been completely cured and that there is no probability that he or she will transmit any of those conditions to the children of the marriage. It is a felony punishable by a maximum fine of \$1,000 and/or up to five years' imprisonment for a person of sound mind to marry such a person, with knowledge of the disability, except upon filing the required certificate, or to advise, aid, abet, cause, procure, or assist in procuring such a marriage in violation of Section 6.

In addition, Section 6 states: "All marriages heretofore contracted between white persons and those wholly or in part of African descent are hereby declared valid and effectual in law for all purposes; and the issues of such marriages shall be deemed and taken as legitimate as to such issue and as to both of the parents."

MCL 551.6

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

According to the annual statistical report from the Department of Corrections, in 1998, there were no convictions for violations of Section 6 of Chapter 83 of the Revised Statutes of 1846. To the extent that 1998 is representative of other years, there should be no fiscal impact from the repeal of this section.

Date Completed: 2-9-01

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Analysis available @ <http://www.michiganlegislature.org>

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