

HOUSE BILL NO. 4004

January 09, 2019, Introduced by Reps. Filler, Hope and Anthony and referred to the Committee on Judiciary.

A bill to amend 1897 PA 180, entitled

"An act to provide for the issuance of marriage licenses and certificates without publicity in certain cases; and to provide criminal and civil penalties for violation of this act,"

by amending section 1 (MCL 551.201), as amended by 1983 PA 199.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) When a person desires to keep the exact date of
2 his or her marriage to a person of the opposite sex a secret, the
3 **probate** judge ~~of probate~~ may issue, without publicity, a marriage
4 license to any person making application, under oath, if there is

1 good reason expressed in the application and determined to be
 2 sufficient by the **probate** judge. ~~of probate.~~

3 (2) ~~The judge of probate~~ **Until December 31, 2019, a probate**
 4 **judge** may marry, without publicity, persons under marriageable age,
 5 as provided in section 3 of ~~Act No. 128 of the Public Acts of 1887,~~
 6 ~~being section 551.103 of the Michigan Compiled Laws, 1887 PA 128,~~
 7 **MCL 551.103**, if the application for the license is accompanied by 1
 8 of the following:

9 (a) A written request of all of the biological or adopting
 10 living parents of both parties, and their guardian or guardians if
 11 either or both of the parents are dead.

12 (b) A written request of the parents or guardians of the party
 13 under marriageable age if only 1 party to the marriage is under the
 14 marriageable age.

15 (3) If the noncustodial parent has been given notice of the
 16 request for consent by personal service or registered mail at his
 17 or her last known address and the noncustodial parent fails to
 18 enter an objection within 5 days after receipt of notice, ~~then the~~
 19 consent ~~shall be~~ **is** required only of a parent to whom custody of a
 20 child has been awarded by a court. The consent ~~shall~~ **is** not ~~be~~
 21 required of a parent confined under sentence in a state or federal
 22 penal institution or confined in a mental hospital under
 23 adjudication of legal incapacity by a court of competent
 24 jurisdiction or upon the return of process by the sheriff of the
 25 county in which the parent was last known to reside made not less
 26 than 5 nor more than 14 days after issuance of the process
 27 certifying that after diligent search the parent cannot be found
 28 within the county.

29 (4) **Beginning January 1, 2020, a probate judge shall not**

1 **marry, without publicity, persons under marriageable age.**

2 (5) ~~(4) The judge of probate~~ **judge** may authorize an order nunc
3 pro tunc regarding the date to appear on the marriage license.

4 Enacting section 1. This amendatory act takes effect 90 days
5 after the date it is enacted into law.

6 Enacting section 2. This amendatory act does not take effect
7 unless all of the following bills of the 100th Legislature are
8 enacted into law:

9 (a) Senate Bill No. ____ or House Bill No. 4003 (request no.
10 00790'19).

11 (b) Senate Bill No. ____ or House Bill No. 4005 (request no.
12 00790'19 a).