

HOUSE BILL NO. 5192

July 01, 2021, Introduced by Reps. Pohutsky and Rabhi and referred to the Committee on Government Operations.

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~~**If** 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

1 license to ~~any~~**a** person making application, under oath, if there is
 2 good reason expressed in the application and determined to be
 3 sufficient by the **probate** judge. ~~of probate.~~

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

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

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

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

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

3 Enacting section 1. This amendatory act does not take effect
4 unless Senate Joint Resolution ____ or House Joint Resolution ____
5 (request no. 02344'21) of the 101st Legislature becomes a part of
6 the state constitution of 1963 as provided in section 1 of article
7 XII of the state constitution of 1963.