

HOUSE BILL No. 4376

March 24, 2015, Introduced by Reps. Wittenberg, Moss, Hoadley, Guerra, Greig, Derek Miller, Geiss, Pagan, Durhal, Irwin, Zemke, Schor, Kivela, Dillon, Faris, Plawecki, Sarah Roberts, Chirkun, Cochran, Chang, Singh, Liberati, Byrd, Talabi, Love, Yanez, Driskell, LaVoy, Greimel, Hovey-Wright, Kosowski, Brunner, Brinks, Rutledge, Darany, Smiley, Dianda, Phelps, Neeley and Robinson and referred to the Committee on Families, Children, and Seniors.

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 judge of probate may issue, without publicity, a marriage license
4 to any person making application, under oath, if there is good
5 reason expressed in the application and determined to be sufficient
6 by the judge of probate.

7 (2) The judge of probate may marry, without publicity, persons
8 under marriageable age, as provided in section 3 of ~~Act No. 128 of~~
9 ~~the Public Acts of 1887, being section 551.103 of the Michigan~~
10 ~~Compiled Laws, 1887 PA 128, MCL 551.103,~~ if the application for the

1 license is accompanied by 1 of the following:

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

5 (b) A written request of the parents or guardians of the party
6 under marriageable age if only 1 party to the marriage is under the
7 marriageable age.

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

22 (4) The judge of probate may authorize an order nunc pro tunc
23 regarding the date to appear on the marriage license.

24 Enacting section 1. This amendatory act does not take effect
25 unless Senate Bill No. ____ or House Bill No. 4374 (request no.
26 00936'15) of the 98th Legislature is enacted into law.

27 Enacting section 2. This amendatory act does not take effect

1 unless Senate Joint Resolution ____ or House Joint Resolution L
2 (request no. 00656'15 *) of the 98th Legislature becomes a part of
3 the state constitution of 1963 as provided in section 1 of article
4 XII of the state constitution of 1963.