

# HOUSE BILL No. 4802

June 20, 2017, Introduced by Reps. Cole, Lucido, Miller, Leutheuser and Runestad 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 sections 3 and 4 (MCL 551.203 and 551.204).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 3. **(1)** The judge of probate shall file a complete set of  
2 all papers in each case in a private file, and, within 10 days  
3 after the marriage, shall forward a duplicate to the **STATE**  
4 registrar. ~~appointed by the state director of public health.~~ The  
5 state **REGISTRAR** ~~director of public health~~ shall file the duplicate  
6 in a private file and record the filing in a private register. ~~The~~  
7 **EXCEPT AS PROVIDED IN SUBSECTIONS (2) AND (3), THE** file in the  
8 probate court, and the duplicate and record in the state department  
9 of ~~public health~~ **AND HUMAN SERVICES**, shall be open to inspection

1 only upon the written request and proper proof of identification of  
2 1 or both of the partners to the marriage, or upon the written  
3 order of a judge of the circuit court of this state, and only for  
4 the use designated in the order. The order shall be made only upon  
5 the written request of the person or persons who were married under  
6 this act, or if necessary for the protection of property rights  
7 arising from or affected by the marriage.

8 (2) EXCEPT AS PROVIDED IN SUBSECTION (3), AFTER BOTH PARTIES  
9 TO A MARRIAGE MADE PRIVATE UNDER THIS ACT ARE OVER 18 YEARS OF AGE,  
10 BOTH PARTIES MAY PETITION THE COURT TO UNSEAL THE RECORD OF THEIR  
11 MARRIAGE. IF THE COURT RECEIVES A PETITION UNDER THIS SUBSECTION OR  
12 SUBSECTION (3), THE COURT SHALL ENTER AN ORDER TO UNSEAL THE RECORD  
13 OF THE MARRIAGE UPON FINDING ALL OF THE FOLLOWING:

14 (A) THE PETITIONERS WERE MARRIED WITHOUT PUBLICITY UNDER  
15 SECTION 1.

16 (B) THE PETITIONERS ARE BOTH OVER 18 YEARS OF AGE AT THE TIME  
17 OF FILING THE PETITION.

18 (C) BOTH OF THE PETITIONERS WISH TO UNSEAL THE RECORD OF THE  
19 MARRIAGE.

20 (3) IF A PARTY TO A MARRIAGE MADE PRIVATE UNDER THIS ACT IS  
21 DECEASED AND THE SURVIVING PARTY IS 18 YEARS OF AGE OR OLDER, THE  
22 SURVIVING PARTY MAY PETITION THE COURT TO UNSEAL THE RECORD OF THE  
23 MARRIAGE.

24 (4) UPON ENTERING AN ORDER UNDER SUBSECTION (2), THE COURT  
25 SHALL FORWARD A COPY OF THE LICENSE AND CERTIFICATE OF MARRIAGE TO  
26 THE COUNTY CLERK IN THE COUNTY IN WHICH THE LICENSE WAS ISSUED. IF  
27 THE COURT UNSEALS A RECORD OF A MARRIAGE UNDER THIS SECTION, THE

1 COURT SHALL FORWARD A COPY OF THE RECORD TO THE STATE REGISTRAR.

2 (5) ACCESS TO A RECORD OF MARRIAGE UNSEALED UNDER SUBSECTION  
3 (2) OR (3) IS THE SAME AS ACCESS TO A VITAL RECORD PROVIDED UNDER  
4 PART 28 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.2801 TO  
5 333.2899.

6 Sec. 4. (1) ~~All~~ EXCEPT AS PROVIDED IN SUBSECTION (2), ALL  
7 knowledge of facts ~~which shall~~ THAT come to the judge of probate,  
8 state registrar or an agent or employee of the state registrar, the  
9 physician endorsing the application, or a witness to the marriage  
10 under the license issued under this act ~~shall be~~ IS privileged  
11 communications. A violation of confidence by the judge of probate,  
12 state registrar or an agent or employee of the state registrar, the  
13 physician, or a witness is a misdemeanor, punishable by a fine of  
14 not less than \$25.00, nor more than \$100.00, plus the costs of  
15 prosecution, and, in default of the payment, imprisonment for not  
16 more than 3 months. An editor, publisher, or proprietor of a  
17 newspaper or publication within this state giving publicity to a  
18 license or marriage performed under this act is guilty of a  
19 misdemeanor punishable by a fine of not less than \$50.00, nor more  
20 than \$100.00, plus the costs of prosecution, and, in default of the  
21 payment, imprisonment for not more than 30 days. In addition, the  
22 editor, publisher, or proprietor ~~shall be~~ IS liable in an action of  
23 libel to the parties married under the license. If the judge of  
24 probate performing the marriage ceremony under a license issued  
25 under this act neglects to make proper return, the judge shall be  
26 fined, in addition to penalties prescribed by the laws of this  
27 state, not more than \$50.00.

1           (2) THIS SECTION DOES NOT APPLY TO A LICENSE THAT IS UNSEALED  
2 UNDER SECTION 3(2) OR (3).

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