

Act No. 200
Public Acts of 2017
Approved by the Governor
December 15, 2017
Filed with the Secretary of State
December 15, 2017
EFFECTIVE DATE: March 15, 2018

**STATE OF MICHIGAN
99TH LEGISLATURE
REGULAR SESSION OF 2017**

Introduced by Reps. Cole, Lucido, Miller, Leutheuser and Runestad

ENROLLED HOUSE BILL No. 4802

AN ACT 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:

Sec. 3. (1) The judge of probate shall file a complete set of all papers in each case in a private file, and, within 10 days after the marriage, shall forward a duplicate to the state registrar. The state registrar shall file the duplicate in a private file and record the filing in a private register. Except as provided in subsections (2) and (3), the file in the probate court, and the duplicate and record in the state department of health and human services, shall be open to inspection only upon the written request and proper proof of identification of 1 or both of the partners to the marriage, or upon the written order of a judge of the circuit court of this state, and only for the use designated in the order. The order shall be made only upon the written request of the person or persons who were married under this act, or if necessary for the protection of property rights arising from or affected by the marriage.

(2) Except as provided in subsection (3), after both parties to a marriage made private under this act are over 18 years of age, both parties may petition the court to unseal the record of their marriage. If the court receives a petition under this subsection or subsection (3), the court shall enter an order to unseal the record of the marriage upon finding all of the following:

- (a) The petitioners were married without publicity under section 1.
- (b) The petitioners are both over 18 years of age at the time of filing the petition.
- (c) Both of the petitioners wish to unseal the record of the marriage.

(3) If a party to a marriage made private under this act is deceased and the surviving party is 18 years of age or older, the surviving party may petition the court to unseal the record of the marriage.

(4) Upon entering an order under subsection (2), the court shall forward a copy of the license and certificate of marriage to the county clerk in the county in which the license was issued. If the court unseals a record of a marriage under this section, the court shall forward a copy of the record to the state registrar.

(5) Access to a record of marriage unsealed under subsection (2) or (3) is the same as access to a vital record provided under part 28 of the public health code, 1978 PA 368, MCL 333.2801 to 333.2899.

Sec. 4. (1) Except as provided in subsection (2), all knowledge of facts that come to the judge of probate, state registrar or an agent or employee of the state registrar, the physician endorsing the application, or a witness to the marriage under the license issued under this act is privileged communications. A violation of confidence by the judge of probate, state registrar or an agent or employee of the state registrar, the physician, or a witness is a misdemeanor, punishable by a fine of not less than \$25.00, nor more than \$100.00, plus the costs of prosecution, and, in default of the

payment, imprisonment for not more than 3 months. An editor, publisher, or proprietor of a newspaper or publication within this state giving publicity to a license or marriage performed under this act is guilty of a misdemeanor punishable by a fine of not less than \$50.00, nor more than \$100.00, plus the costs of prosecution, and, in default of the payment, imprisonment for not more than 30 days. In addition, the editor, publisher, or proprietor is liable in an action of libel to the parties married under the license. If the judge of probate performing the marriage ceremony under a license issued under this act neglects to make proper return, the judge shall be fined, in addition to penalties prescribed by the laws of this state, not more than \$50.00.

(2) This section does not apply to a license that is unsealed under section 3(2) or (3).

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor