

HOUSE BILL NO. 4294

March 16, 2023, Introduced by Reps. Hope, Brixie, Young, Hill, Grant, Breen, Byrnes, Hoskins, Morgan, Skaggs, Paiz, Brabec and McKinney and referred to the Committee on Judiciary.

A bill to amend 1887 PA 128, entitled

"An act establishing the minimum ages for contracting marriages; to require a civil license in order to marry and its registration; to provide for the implementation of federal law; and to provide a penalty for the violation of this act,"

by amending section 3 (MCL 551.103), as amended by 2006 PA 578.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) ~~A person~~ **An individual** who is 18 years of age or
2 older may contract marriage. ~~A person who is 16 years of age but is~~
3 ~~less than 18 years of age may contract marriage with the written~~
4 ~~consent of 1 of the parents of the person or the person's legal~~

1 ~~guardian, as provided in this section.~~ As proof of age, the ~~person~~
2 **individual** who intends to be married, in addition to the statement
3 of age in the application, when requested by the county clerk,
4 ~~shall~~**must** submit a birth certificate or other proof of age. The
5 county clerk on the application submitted shall fill out the blank
6 spaces of the license according to the sworn answers of the
7 applicant, taken before the county clerk, or some person duly
8 authorized by law to administer oaths. ~~If it appears from the~~
9 ~~affidavit that either the applicant for a marriage license or the~~
10 ~~person whom he or she intends to marry is less than 18 years of~~
11 ~~age, the county clerk shall require that there first be produced~~
12 ~~the written consent of 1 of the parents of each of the persons who~~
13 ~~is less than 18 years of age or of the person's legal guardian,~~
14 ~~unless the person does not have a living parent or guardian. The~~
15 ~~consent shall be to the marriage and to the issuing of the license~~
16 ~~for which the application is submitted. The consent shall be given~~
17 ~~personally in the presence of the county clerk or be acknowledged~~
18 ~~before a notary public or other officer authorized to administer~~
19 ~~oaths. A license shall not be issued by the~~**The** county clerk **shall**
20 **not issue a license** until the requirements of this section are
21 complied with. ~~The written consent shall be preserved on file in~~
22 ~~the office of the county clerk.~~ If the parties are legally entitled
23 to be married, the county clerk ~~shall~~**must** sign the license and
24 certify the fact that it is properly issued, and the clerk ~~shall~~
25 **must** make a correct copy of the license in the books of
26 registration.

27 (2) A fee of \$20.00 ~~shall~~**must** be paid by the ~~person~~
28 **individual** applying for the license and ~~shall~~**must** be paid by the
29 county clerk into the general fund of the county. The county board

1 of commissioners ~~shall~~**must** allocate \$15.00 of each fee collected
2 to the circuit court for family counseling services, ~~which shall~~
3 **that must** include counseling for domestic violence and child abuse.
4 If family counseling services are not established in the county,
5 the circuit court may use the money allocated to contract with
6 public or private agencies providing similar services. Money
7 allocated to the circuit court ~~pursuant to~~**under** this section that
8 is not expended ~~shall~~**must** be returned to the general fund of the
9 county to be held in escrow until circuit court family counseling
10 services are established ~~pursuant to~~**under** the circuit court family
11 counseling services act, 1964 PA 155, MCL 551.331 to 551.344. A
12 probate court may order the county clerk to waive the marriage
13 license fee in cases in which the fee would result in undue
14 hardship. If both parties named in the application are nonresidents
15 of the state, the ~~person~~**individual** applying for the license ~~shall~~
16 **must** pay an additional fee of \$10.00, ~~which that~~ the county clerk
17 ~~shall~~**must** deposit into the general fund of the county. The county
18 clerk ~~shall~~**must** give the license filled out and signed, together
19 with the blank form of certificate, to the ~~person~~**individual**
20 applying, for delivery to the individual who is to officiate at the
21 marriage. On the return of the license to the county clerk,
22 containing the signatures of the witnesses to the marriage, who
23 ~~shall~~**must** be 18 years of age or older, the individuals being
24 married, and the individual officiating at the marriage, with the
25 certificate of the individual officiating at the marriage that the
26 marriage has been performed, the county clerk ~~shall~~**must** record in
27 the book of registration in the proper place of entry the
28 information prescribed by the director of the department of
29 ~~community health~~ **and human services**. The licenses and certificates

1 issued and returned ~~shall~~**must** be forwarded to the state registrar
 2 appointed by the director of the department of ~~community health~~ **and**
 3 **human services** on the forms and in the manner prescribed by the
 4 director.

5 (3) A charter county that has a population of over ~~2,000,000~~
 6 **1,500,000 based on the 2010 federal decennial census** may impose by
 7 ordinance a marriage license fee or nonresident marriage license
 8 fee, or both, different in amount than the fee prescribed by
 9 subsection (2). The charter county ~~shall~~**must** allocate the fee for
 10 family counseling services as prescribed by subsection (2). A
 11 charter county ~~shall~~**must** not impose a fee that is greater than the
 12 cost of the service for which the fee is charged.

13 Enacting section 1. This amendatory act does not take effect
 14 unless all of the following bills of the 102nd Legislature are
 15 enacted into law:

16 (a) Senate Bill No. _____ or House Bill No. 4293 (request no.
 17 01334'23 *).

18 (b) Senate Bill No. _____ or House Bill No. 4294 (request no.
 19 01334'23 b *).

20 (c) Senate Bill No. _____ or House Bill No. 4296 (request no.
 21 01334'23 c *).

22 (d) Senate Bill No. _____ or House Bill No. 4297 (request no.
 23 01334'23 d *).