

HOUSE BILL No. 5587

November 10, 2009, Introduced by Reps. Byrnes, Warren, Lipton, Durhal, Cushingberry, Donigan, Liss, Young and Meadows and referred to the Committee on Judiciary.

A bill to amend 1846 RS 83, entitled
"Of marriage and the solemnization thereof,"
by amending sections 2, 3, and 9 (MCL 551.2, 551.3, and 551.9),
sections 2 and 3 as amended by 1996 PA 324, and by adding section
8; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. ~~So far as its validity in law is concerned, marriage~~
2 **MARRIAGE** is a civil contract between ~~a man and a woman, to which~~
3 ~~the 2~~ **INDIVIDUALS. TO BE LEGALLY VALID,** consent **TO MARRIAGE** ~~of BY~~
4 parties capable in law of contracting is essential. Consent alone
5 is not enough to effectuate a legal marriage on and after January
6 1, 1957. Consent shall be followed by obtaining a license as
7 required by section 1 of ~~Act No. 128 of the Public Acts of 1887,~~
8 ~~being section 551.101 of the Michigan Compiled Laws 1887 PA 128,~~

1 ~~MCL 551.101, or as provided for by~~ **UNDER** section 1 of Act No. 180
2 ~~of the Public Acts of 1897, being section 551.201 of the Michigan~~
3 ~~Compiled Laws 1897 PA 180, MCL 551.201, and solemnization as~~
4 ~~authorized by sections 7 to 18. of this chapter.~~

5 ~~Sec. 3. A man shall not marry his mother, sister, grandmother,~~
6 ~~daughter, granddaughter, stepmother, grandfather's wife, son's~~
7 ~~wife, grandson's wife, wife's mother, wife's grandmother, wife's~~
8 ~~daughter, wife's granddaughter, brother's daughter, sister's~~
9 ~~daughter, father's sister, mother's sister, or cousin of the first~~
10 ~~degree, or another man.~~ **AN INDIVIDUAL SHALL NOT MARRY ANY OF THE**

11 **FOLLOWING:**

12 **(A) A PARENT.**

13 **(B) A SIBLING.**

14 **(C) A GRANDPARENT.**

15 **(D) A SON OR DAUGHTER.**

16 **(E) A GRANDCHILD.**

17 **(F) A STEPPARENT.**

18 **(G) THE SPOUSE OF A GRANDPARENT.**

19 **(H) THE SPOUSE OF A SON OR DAUGHTER.**

20 **(I) THE SPOUSE OF A GRANDCHILD.**

21 **(J) A PARENT-IN-LAW.**

22 **(K) A GRANDPARENT-IN-LAW.**

23 **(L) A STEPCHILD.**

24 **(M) A STEP-GRANDCHILD.**

25 **(N) THE CHILD OF A SIBLING.**

26 **(O) THE SIBLING OF A PARENT.**

27 **(P) A COUSIN OF THE FIRST DEGREE.**

SEC. 8. (1) A MINISTER OF THE GOSPEL, CLERIC, OR RELIGIOUS PRACTITIONER MAY REFUSE TO SOLEMNIZE A MARRIAGE BETWEEN 2 INDIVIDUALS. THE RIGHT UNDER THIS SECTION INCLUDES THE RIGHT TO REFUSE TO CERTIFY A MARRIAGE, SIGN A MARRIAGE LICENSE, TRANSFER A MARRIAGE LICENSE, OR ANY OTHER ACT RELATED TO THE SOLEMNIZATION OR RECOGNITION OF A MARRIAGE.

(2) A PERSON SHALL NOT BRING AN ACTION AGAINST A MINISTER OF THE GOSPEL, CLERIC, OR RELIGIOUS PRACTITIONER OR ANY RELIGIOUS ORGANIZATION WITH WHICH THE MINISTER, CLERIC, OR PRACTITIONER IS AFFILIATED BECAUSE OF A REFUSAL UNDER THIS SECTION.

Sec. 9. In the solemnization of marriage, no particular form shall be required, except that ~~the parties~~ **EACH PARTY** shall solemnly declare, in the presence of the person solemnizing the marriage and the attending witnesses, that ~~they take each~~ **HE OR SHE TAKES THE** other as ~~husband and wife; and in every case, there shall be~~ **HIS OR HER SPOUSE. TO BE LEGALLY VALID,** at least 2 ~~witnesses~~ **INDIVIDUALS**, besides the person solemnizing the marriage, **SHALL BE** present **AS WITNESSES** at the **MARRIAGE** ceremony.

Enacting section 1. Sections 1 and 4 of 1846 RS 84, MCL 551.1 and 551.4, are repealed.

Enacting section 2. This amendatory act does not take effect unless Senate Bill No. ____ or House Bill No. 5588(request no. 04075'09 a) of the 95th Legislature is enacted into law

Enacting section 3. This amendatory act does not take effect unless Senate Joint Resolution ____ or House Joint Resolution NN (request no. 04059'09) of the 95th Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article

1 XII of the state constitution of 1963.