

# HOUSE BILL NO. 4295

March 16, 2023, Introduced by Reps. Farhat, 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 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~~**an individual** desires to keep the  
2 exact date of his or her marriage to ~~a person~~**an individual** of the  
3 opposite sex a secret, the **probate** judge ~~of probate~~ may issue,  
4 without publicity, a marriage license to any ~~person~~**individual**  
5 making application, under oath, if there is good reason expressed

1 in the application and determined to be sufficient by the **probate**  
2 judge. ~~of probate.~~

3 ~~(2) The judge of probate may marry, without publicity, persons~~  
4 ~~under marriageable age, as provided in section 3 of Act No. 128 of~~  
5 ~~the Public Acts of 1887, being section 551.103 of the Michigan~~  
6 ~~Compiled Laws, if the application for the license is accompanied by~~  
7 ~~1 of the following:~~

8 ~~(a) A written request of all of the biological or adopting~~  
9 ~~living parents of both parties, and their guardian or guardians if~~  
10 ~~either or both of the parents are dead.~~

11 ~~(b) A written request of the parents or guardians of the party~~  
12 ~~under marriageable age if only 1 party to the marriage is under the~~  
13 ~~marriageable age.~~

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

28 ~~(2) (4) The **probate** judge of probate may authorize an order~~  
29 ~~nunc pro tunc regarding the date to appear on the marriage license.~~

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

4           (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 4293 (request no.  
5 01334'23 \*).

6           (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 4294 (request no.  
7 01334'23 a \*).

8           (c) Senate Bill No. \_\_\_\_\_ or House Bill No. 4296 (request no.  
9 01334'23 c \*).

10           (d) Senate Bill No. \_\_\_\_\_ or House Bill No. 4297 (request no.  
11 01334'23 d \*).