

HOUSE BILL NO. 5193

July 01, 2021, Introduced by Reps. Brixie and Rabhi and referred to the Committee on Government Operations.

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 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 is a civil contract between ~~a man and a woman,~~ **2 parties**, to which
3 the consent of parties capable in law of contracting is essential.

1 Consent alone is not enough to effectuate a legal marriage on and
 2 after January 1, 1957. Consent ~~shall~~**must** be followed by obtaining
 3 a license as required by section 1 of ~~Act No. 128 of the Public~~
 4 ~~Acts of 1887, being section 551.101 of the Michigan Compiled Laws,~~
 5 **1887 PA 128, MCL 551.101**, or as provided for by section 1 of ~~Act~~
 6 ~~No. 180 of the Public Acts of 1897, being section 551.201 of the~~
 7 ~~Michigan Compiled Laws,~~**1897 PA 180, MCL 551.201**, and solemnization
 8 as authorized by sections 7 to 18. ~~of this chapter.~~

9 Sec. 3. ~~A man shall not marry his mother, sister, grandmother,~~
 10 ~~daughter, granddaughter, stepmother, grandfather's wife, son's~~
 11 ~~wife, grandson's wife, wife's mother, wife's grandmother, wife's~~
 12 ~~daughter, wife's granddaughter, brother's daughter, sister's~~
 13 ~~daughter, father's sister, mother's sister, or cousin of the first~~
 14 ~~degree, or another man.~~**An individual shall not marry the**
 15 **individual's parent, sibling, grandparent, child, grandchild,**
 16 **stepparent, grandparent's spouse, child's spouse, grandchild's**
 17 **spouse, spouse's parent, spouse's grandparent, spouse's child,**
 18 **spouse's grandchild, sibling's child, parent's sibling, or cousin**
 19 **of the first degree.**

20 Sec. 9. In the solemnization of marriage, no particular form
 21 ~~shall be~~**is** required, except that the parties ~~shall~~**must** solemnly
 22 declare, in the presence of the person solemnizing the marriage and
 23 the attending witnesses, that they take each other as ~~husband and~~
 24 ~~wife;~~**spouses;** and in every case, there ~~shall~~**must** be at least 2
 25 witnesses, besides the person solemnizing the marriage, present at
 26 the ceremony.

27 Enacting section 1. Sections 1 and 4 of 1846 RS 83, MCL 551.1
 28 and 551.4, are repealed.

29 Enacting section 2. This amendatory act does not take effect

1 unless both of the following occur:

2 (a) Senate Joint Resolution ____ or House Joint Resolution
3 ____ (request no. 02344'21) of the 101st Legislature becomes a part
4 of the state constitution of 1963 as provided in section 1 of
5 article XII of the state constitution of 1963.

6 (b) Senate Bill No. ____ or House Bill No. ____ (request no.
7 02344'21 ii) of the 101st Legislature is enacted into law.