

SENATE BILL No. 730

December 13, 1989, Introduced by Senators EHLERS and
NICHOLS and referred to the Committee on Judiciary.

A bill to amend section 2 of chapter 83 of the Revised
Statutes of 1846, entitled
"Of marriage and the solemnization thereof,"
being section 551.2 of the Michigan Compiled Laws; and to repeal
certain parts of the act.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 2 of chapter 83 of the Revised Statutes
2 of 1846, being section 551.2 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 2. Marriage, so far as its validity in law is con-
5 cerned, is a civil contract, to which the consent of parties
6 capable in law of contracting, is essential. A PARTY HAS THE
7 MENTAL CAPACITY TO CONSENT TO MARRIAGE IF HE OR SHE UNDERSTANDS
8 THE NATURE OF THE MARRIAGE RELATIONSHIP AND THE DUTIES AND
9 RESPONSIBILITIES OF THAT RELATIONSHIP. A PERSON IS PRESUMED TO

1 HAVE THE MENTAL CAPACITY TO ENTER INTO A MARRIAGE CONTRACT EXCEPT
2 FOR A PERSON FOR WHOM A GUARDIAN HAS BEEN APPOINTED BY THE PRO-
3 BATE COURT PURSUANT TO CHAPTER 6 OF THE MENTAL HEALTH CODE, ACT
4 NO. 258 OF THE PUBLIC ACTS OF 1974, BEING SECTIONS 330.1600 TO
5 330.1642 OF THE MICHIGAN COMPILED LAWS, OR ARTICLE 1 OF THE
6 REVISED PROBATE CODE, ACT NO. 642 OF THE PUBLIC ACTS OF 1978,
7 BEING SECTIONS 700.1 TO 700.35 OF THE MICHIGAN COMPILED LAWS, BUT
8 ONLY IF THERE HAS BEEN A SPECIFIC FINDING BY THE PROBATE COURT
9 THAT THE PERSON LACKS THE CAPACITY TO ENTER INTO A MARRIAGE
10 CONTRACT. Consent alone will not be enough to effectuate a legal
11 marriage from and after January 1, 1957. Consent must be fol-
12 lowed by the issuance of a license ~~as provided for by~~ PURSUANT
13 TO section 1 of Act No. 128 of the Public Acts of 1887, as
14 amended, being section 551.101 of the MICHIGAN Compiled Laws, ~~of~~
15 ~~1948,~~ or ~~as provided for by~~ section 1 of Act No. 180 of the
16 Public Acts of 1897, as amended, being section 551.201 of the
17 MICHIGAN Compiled Laws, ~~of 1948,~~ and solemnization, as autho-
18 rized by sections 7 to 18 ~~, inclusive,~~ of this act.

19 Section 2. Section 6 of chapter 83 of the Revised Statutes
20 of 1846, being section 551.6 of the Michigan Compiled Laws, is
21 repealed.